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**Orientations as a 3-dimensional tool for  
practising positionality in international law**

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## Abstract

This conversation draws on Sara Ahmed's work on queer phenomenology and orientations to engage in a reflection about positionality in the work of international lawyers. The paper starts by discussing how we have *come to think about positionality*, before attempting to apply the four characteristics of Ahmed's model of orientation, *perception, arrival, doing things* and *inhabiting spaces*, to our own object of research. Finally, we explore the value of *disorientation* in our research, followed by some *afterthoughts*. As we try to portray a more complex and nuanced depiction of our own positionality, we eventually sketch the contour lines of a three-dimensional tool for conceiving positionality in international legal research. Through this tool, positionality is understood as the relationship between the *researcher* and their *object of study* in the *space of international law*.

## Keywords

reflexivity, positionality, orientations, international law, feminist research, queer theory

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## Introduction

The myths of law's neutrality or the lawyer's objectivity are increasingly contested by the idea that knowledge is always situated. In this light, researchers of international law, especially those who are early in their careers, are increasingly encouraged to be reflexive and think about their *positionality*. While the meanings of positionality are multiple, according to Brenda Cossman, "politics of location or positionality insists on the historical, geographic, and cultural specificity of political definition and the production of knowledge."<sup>3</sup> Thus, international law is created, applied and analyzed by individuals who act from their very own historically, geographically and culturally specific locations.

Whilst PhD candidates are often reminded to be self-aware of their position as researchers, most often this injunction is not accompanied with any tool that would help us to do so. This is why we engage in this paper a discussion on a concrete tool to understand how positionality influences our research, both in terms of choice of our object of study and how we study it. While we take into account the relevance of a person's social profile, for instance in terms of gender, race, class or nationality, for the production of knowledge, we aim to go beyond an analysis that focuses solely on the researcher and their personal characteristics. Instead, we will provide a more complex idea of positionality and the relationship between who we are as international lawyers and what we see in international law. Our model of positionality draws on Sara Ahmed's framework of orientations and provides a three-dimensional tool for conceiving positionality.<sup>4</sup> Through this tool, positionality is understood as the relationship between the *researcher* and their *object of study* in the *space of international law*.

We have come to this understanding of positionality through our conversations and rather unartistic visual experiments. Have you ever tried to draw your positionality? A few days ago, we enthusiastically grabbed a pen and attempted to represent our own positionality on paper. As a starting point, we listed some personal characteristics that could indicate how we have become positioned in international law and in relation to our research objects. We noted some similarities, since both of us are European middle-class white women, with an educational background in international relations and international law and English is our second language. We are also both PhD students at the same institution in Geneva, studying issues of gender and gender identity in international law, and using various critical legal approaches in our research. Yet, we could also create an equally long or even longer list of personal characteristics in which we differ.

At the end of the day, the exercise of listing personal characteristics that could indicate our position in the field of international law was disappointing. Of course, the intersection of all of these characteristics help explaining how we came to find our object of study important. However, adding more and more characteristics to the definition of our social profile does not mean that we understand better how 'who we are' matters for 'what we do' in our research. At the end of the day, none of these characteristics *determine* our work as researchers.

As drawing our positionality was not helpful, we decided to embrace "the art of failure"<sup>5</sup> and to find an alternative tool that would better acknowledge the multidimensional aspects of positionality. Indeed, such listing of characteristics only provides a partial answer, as "reflexivity

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<sup>3</sup> Brenda J. Cossman, "Turning the Gaze Back on Itself: Comparative Law, Feminist Legal Studies, and the Postcolonial Project," in *Global Critical Race Feminism: An International Reader*, ed. Adrien Katherine Wing (New York: NYU Press, 2000), 30.

<sup>4</sup> Sara Ahmed, *Queer Phenomenology: Orientations, Objects, Others*, 1st ed (Durham: Duke University Press Books, 2006).

<sup>5</sup> Jack Halberstam, *The Queer Art of Failure* (Durham; London: Duke University Press, 2011).

is a notion that turns on the *relationship* between the *object* and the *subject* of investigation.”<sup>6</sup> So far we were only looking at the subject of investigation – and only at some of their characteristics – yet reflexivity involves two other components: the object of research, and the relationship between the object and the researcher in a specific space. Positionality is not only about the researcher: *one* is always positioned somewhere in *relation* to *something*.

In this paper, we rely on Sara Ahmed’s research on queer phenomenology in order to analyze those three aspects of the relationship between the subject and the object of research in a space.<sup>7</sup> More specifically, we discuss how we could apply Ahmed’s conceptualization of orientations and disorientations in order to understand what shapes our work as researchers of international law. Her work is useful to explore how our own positionality matters for our research, because it lets us take into account the multiplicity of influences that frame the direction of our gaze and our physical encounters in the space of international law.

What follows is a conversation between the two of us about the relevance of positionality for the work of international lawyers based on Ahmed’s framework. We will start by discussing how we have *come to think about positionality*, before attempting to apply the four characteristics of Ahmed’s conception of orientation, *perception*, *arrival*, *doing things* and *inhabiting spaces*, to our own object of research.<sup>8</sup> Afterwards we will explore the value of *disorientation* in our research, followed by some *afterthoughts*.

We bring you along in our conversation about our orientations and disorientations in international law. You do not need to grab a pen: Ahmed’s phenomenology will not help you to draw your positionality on paper. What it offers, however, is a vertiginous and three-dimensional visualization of our position as researchers in the space of international law, as well as a methodology to do so – which is at the same time rigorous and queer.

## The arrival of positionality in our sight

Lena: Ahmed’s discussion on orientations and queer phenomenology induces us to think about how certain issues, such as a specific research question, have come into our sight and thus become our objects of research. It makes us reflect about how we have been *oriented* towards certain issues and questions as opposed to others. Our orientation towards the concept of *positionality* in this paper is not only the result of our personal research priorities but has become possible due the existing scholarship that conceptualizes and theorizes the role of locations for the production of academic knowledge. We are thus indebted to previous generations of legal researchers, in particular feminist researchers, who have started the conversation about positionality and reflexivity that we continue in this paper. But why is it relevant to think about an issue like positionality as an international legal researcher?

Manon: Thinking about positionality as a researcher in international law matters at least for two reasons. Firstly, feminists have long pointed out that considering the relevance of ones’ social, geographical and political locations for knowledge production is a matter of *research ethics*.<sup>9</sup> Secondly, investigating how personal social, political and geographical locations shapes one’s research can make researchers *discover new issues, perspectives and lived realities*. In this sense, it is a tool to foster better research by reducing bias and opening new horizons.

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<sup>6</sup> Andrea Bianchi, *International Law Theories: An Inquiry into Different Ways of Thinking* (Oxford: Oxford University Press, 2016), 3 (emphasis added).

<sup>7</sup> Ahmed, *Queer Phenomenology*.

<sup>8</sup> Ahmed, 25 et suiv.

<sup>9</sup> Lata Mani, “Multiple Mediations: Feminist Scholarship in the Age of Multinational Reception,” *Feminist Review*, no. 35 (1990): 24–41; Donna Haraway, “Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective,” *Feminist Studies* 14, no. 3 (1988): 575–99.



Let me say a bit more about the relevance of positionality for feminist research ethics. Nowadays feminist scholars, including feminist legal scholars, widely recognize that research is always partial and shaped by the experiences of the researcher. When asked to represent “feminist methods” in a symposium on research approaches in international law in 1999, Hilary Charlesworth stressed that her analysis is unrepresentative and that she “clearly cannot speak for all women participants in and observers of the international legal system.”<sup>10</sup> Yet, emphasizing the partiality of knowledge, as exemplified by Charlesworth, has not always been a common practice in feminist research. Rather, it is the outcome of long and on-going struggles to reveal the particularity of knowledge produced by feminist scholars. These struggles have been led by racialized feminists, black feminists, post- and decolonial feminists and feminist authors from the Global South, who have contested the universalization and homogenization of women produced by white, middle- and upper-class feminists in the Global North.<sup>11</sup> It was thus due to scholars like bell hooks and Chandra Talpade Mohanty that positionality has become a core analytical sensitivity in feminist research. This discussion reminds us that positionality is the outcome of struggle and contestation among different feminists and always draws attention to (unequal) power relations in knowledge production processes.

L: This is an important point in discussions on positionality. Thinking about and practicing positionality are not without friction, they require us to question our own scholarship and to accept that our knowledge can be contested. This exercise is crucial for the discipline of international law, not only because it remains very Eurocentric but also because it is rooted both in colonialism and in the conception of (cis) men as the main individual legal subjects.<sup>12</sup> More generally, law is centrally concerned with *justice*, yet the meaning of “justice” is not a universal fact but shaped by the interests and experiences of certain people in specific locations. Thus, thinking about positionality means also to reflect upon how we as individual researchers are invested in, and uphold, an unequal system of international law that is built upon certain people’s idea of justice to the detriment of others.

M: I agree that thinking about positionality is important for any researcher and even more crucially for researchers who engage with a discipline that intends to foster peace, security and justice at a *universal* scale. Examining my personal role in promoting (in)equality through international law is also one reason why I started to think about positionality. I had certainly thought about positionality before reading Ahmed’s book, but I was displeased with some elements of other conceptual tools that are commonly used in feminist research to reflect upon positionality. Ahmed’s framework relates to these other concepts, but it complements them and remedies some of their shortcomings.

For instance, one tool for conceptualizing positionality that is commonly introduced to students in feminist studies is standpoint theory, as developed by scholars like Sandra Harding and Donna Haraway.<sup>13</sup> Standpoint theory recognizes the partiality of knowledge by seeing it as always localized and deriving from the situated position of the speaker. This approach does

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<sup>10</sup> Hilary Charlesworth, “Feminist Methods in International Law,” *The American Journal of International Law* 93, no. 2 (1999): 379.

<sup>11</sup> Chandra Talpade Mohanty, “Under Western Eyes: Feminist Scholarship and Colonial Discourses,” *Boundary 2*, On Humanism and the University I: The Discourse of Humanism, 12, no. 3 (1984): 333–58; Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review* 43, no. 6 (1991): 1241–99; bell hooks, *Ain’t I a Woman: Black Women and Feminism*, 2nd edition (New York: Routledge, 2014).

<sup>12</sup> Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press, 2005); Diane Otto, “Lost in Translation: Re-Scripting the Sexed Subjects of International Human Rights Law,” in *International Law and Its Others*, ed. Anne Orford, Reissue edition (Cambridge: Cambridge University Press, 2009), 318–56.

<sup>13</sup> Sandra Harding, *The Science Question in Feminism* (Ithaca, NY: Cornell University Press, 1986); Haraway, “Situated Knowledges.”

not reject the possibility to obtain objectivity in research but assumes that objective knowledge can only derive from the positions and lived experiences of the most marginalized and oppressed. However, the epistemology of standpoint theory has been criticized for its essentialism, since it strongly builds upon the binary division of women and men, presuming that there is something like “women’s knowledge” that all women as members of an oppressed class share.<sup>14</sup> This also seems counter-productive to the attempts by black and postcolonial scholars to recognize the particularity of knowledge and the reproduction of unequal power relations by claiming a universal feminist standpoint.

To me, Ahmed’s queer phenomenology complements standpoint theory as it is also a technique for putting “the strange” or “the queer” at the center of attention. Importantly though, her model of orientations avoids static ideas on an essential being, since it understands bodies as *becoming* gendered through their interaction with objects in a given space.

L: In addition to standpoint theory, Ahmed’s framework of orientations also allows us to draw on poststructuralism, which has been defined as another approach to feminist epistemology.<sup>15</sup> Poststructuralism rejects the claim that knowledge can be objective but instead understands knowledge always as socially constructed for political purposes.<sup>16</sup> Some (queer) poststructuralists, such as Judith Butler and Michel Foucault, have been criticized for denying the existence of materiality by assuming that the social world and knowledge about the social world are entirely constructed.<sup>17</sup> Yet, we contend that the work of (queer) poststructuralists does not result in total relativism of knowledge or deny the existence of materiality. Bodies matter, as Butler stresses herself.<sup>18</sup> They also matter for knowledge production, as experiences are embodied, but they do not matter in the sense that they naturally determine what people (can) see and experience as knowledge.

In this paper, we look at how our bodies inhibit and orient themselves in the gendered, racialized and classicist space of international law, how they become to matter in a certain way due to their interaction with objects and other agents in the space. In the poststructuralist tradition, Ahmed’s concept of queer phenomenology allows us to realize that both knowledge and social categories, such as gender and race, are socially constructed as well as real and embodied.

M: In other words, one strength of Ahmed’s framework is that it allows us to take into account how bodies matter in knowledge production processes in international law without assuming that they matter in isolation from the space in which they are embedded. Bodies become to matter in our knowledge production process because of their relations to other bodies, objects and structures in the space of international law.

L: Yes, in that sense the work by black and postcolonial feminists, as well as standpoint theory and post-structuralism scholarship are all elements that have made it possible for us to think about positionality in international law in this paper. They have established the conditions for bringing positionality into our perception and thus making it our research object in this paper. This neatly fits Ahmed’s discussion on “objects of perception” as one characteristic of her framework on orientations. Manon, would you explain a bit further what she meant with “*objects of perception*”.

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<sup>14</sup> Margaret Davies and Nan Seuffert, “Knowledge, Identity, and the Politics of Law,” *Hastings Women’s Law Journal* 11, no. 2 (2000): 270–71.

<sup>15</sup> Katharine T. Bartlett, “Feminist Legal Methods,” *Harvard Law Review* 103, no. 4 (1990): 867–68; Davies and Seuffert, “Knowledge, Identity, and the Politics of Law,” 261.

<sup>16</sup> Nancy Levit, *Feminist Legal Theory*, Reprint (New York: NYU Press, 2016), 36–37.

<sup>17</sup> Gerald Posselt and Sergej Seitz, “Relativism and Poststructuralism,” in *The Routledge Handbook of Philosophy of Relativism* (Routledge, 2019).

<sup>18</sup> Judith Butler, *Bodies That Matter: On the Discursive Limits of Sex*, 1st ed (Abingdon, Oxon; New York, NY: Routledge, 2011).

## Objects of perception

M: As you already mentioned, Lena, (queer) phenomenology as conceptualized by Ahmed emphasizes the fact that we are always oriented toward certain objects and these orientations influence what we can perceive in a given space. Being oriented toward certain objects of research brings some things within our perception while excluding others. What we can see in our research, depends on where we are facing and where we are located.<sup>19</sup> Thus, “[o]rientations are about how we begin, how we proceed from here.”<sup>20</sup>

Ahmed quotes Edmund Husserl, who says that

“each Ego has its own domain of perceptual things and necessarily perceives the things in a certain orientation. The things appear and do so from this or that side, and in this mode of appearing is included irrevocably a relation to a here and its basic directions.”<sup>21</sup>

Husserl’s quote emphasizes that our bodily position shapes how things “appear” in the domain of perception. Thinking about how my positionality shapes my view on international law thus also starts with my own body: I am sitting on a chair in my bedroom, writing on a computer that stands on my desk. This affects what is in my sight, what I can perceive and sense physically. I am oriented toward my computer screen on the table, but as I turn to the right, the world takes new shapes: now I am oriented toward the window, I see a tennis court and the mountains. As I turn to the left, the world takes other shapes: I am facing my bed. When I turn back to the table, the window and the bed disappear from my sight, I do not perceive them anymore even if they still exist in the background. My orientation changes the way I perceive the world.

Thus, there are three main components to make sense of the world: *my body*, *my orientation*, and *the object that I face*. Applying this reasoning to research in international law, I shall begin with the idea that my orientations towards certain objects in my research also change the way I perceive international law.

L: As you said, my orientations toward certain objects structure my experience with the world and international law. They allow me to have certain perceptions or other embodied experiences, such as thought, emotion, bodily awareness and physical action, including linguistic articulation.<sup>22</sup> As our orientations make possible what we experience, what we perceive, what we think and what we feel in international law, they can be considered as structures of consciousness, which are studied by phenomenology.

One thing that I would like to ask you, Manon, is how you understand Ahmed’s claim that a specific orientation toward an object “involves a more general orientation toward the world” and reveals the directions that we have taken in life.<sup>23</sup> Could you explain what she means with that?

M: I understand this as meaning that orienting ourselves toward an object, such as the Human Rights Council (HRC) in our research, takes us in a certain direction that influences our

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<sup>19</sup> Ahmed says about Husserl sitting at his table that “[w]hat he sees is shaped by a direction he has already taken, a direction that shapes what is available to him, in the sense of what he faces and what he can reach. What is in front of him also shapes what is behind him, what is available as the background to his vision.” S. Ahmed, “Orientations: Toward a Queer Phenomenology,” *GLQ: A Journal of Lesbian and Gay Studies* 12, no. 4 (January 1, 2006): 550.

<sup>20</sup> Ahmed, 545.

<sup>21</sup> Ahmed, *Queer Phenomenology*, 8.

<sup>22</sup> Phenomenology understands knowledge about the world as always embodied, as experience of phenomena. For instance, by drawing on the work of Husserl, Maurice Merleau-Ponty explains that “[e]verything I know of the world, even through science, I know on the basis of a view which is my own, or an experience of the world without which the symbols of science would be meaningless.” See: Maurice Merleau-Ponty, “What Is Phenomenology?,” trans. John F. Bannan, *CrossCurrents* 6, no. 1 (1956): 60.

<sup>23</sup> Ahmed, “ORIENTATIONS,” 546.

relationship with other objects in a specific field, in this case international law. Indeed, my orientation toward the HRC reveals other orientations in my research and more generally in my life: it means that I look at the United Nations rather than regional organizations, at a human rights treaty body rather than an economic international organization, at a place of power rather than civil society organizations, at an institution located in Geneva rather than institutions in the Global South, etc. Thus, my orientation toward the HRC also circumscribes my direction in the field of international law and my relationship to other objects in the field.

This means that my objects of research are crucial for determining my broader orientation in international law. Furthermore, Ahmed also conceptualizes how we become to be oriented and focused on certain objects. Would you explain this further, Lena?

## Objects that arrive

L: Sure. As Ahmed points out, being oriented toward specific objects influences my relationship with other objects in the field. Yet, it also means that I have relegated certain things to the background: if I use your example, I am facing the writing table instead of looking at the window or my bed. In my research on the protection of the rights of trans persons by the European Court of Human Rights (ECtHR), I am facing the ECtHR instead of anything else in the field of international law. Thus, there are certain objects that are not in my sight but that I may be able to perceive behind the scenes. Interestingly, phenomenology – and especially Ahmed’s queer phenomenology – encourages us to be aware of what is around us, to be aware of the background.

There is also a background to the object toward which I am oriented, as I cannot see all of its contours at once. I am oriented toward my desk and only see it from a single angle, yet I could stand up and turn around the table to see what is behind it. This way, I can see sides of the table and the rest of the room, which were both unavailable to me when I was sitting on my chair. I am still oriented toward the table but from a different standpoint, and all of a sudden, I perceive the table and my room differently. What was familiar to me appears in a new light. Applied to the object of my research, it means that, even if I remain oriented toward the ECtHR, I could change my perspective in order to look at it in a different light and see what is “behind” it. Ultimately, reflecting upon our positionality leads to asking the questions: what is in the background and why was it relegated to the background? Ahmed points out that the action of “turning around” the object allows us to think about the historicity of the object and the (domestic) work that has made it available to us in the first place. Indeed, the background is not only what stands physically behind an object, it is also its history and conditions of arrival.

M: I think that I understand now why we did not manage to draw our positionality vis-à-vis our object of research; orientations can hardly be placed on a two-dimensional plane because practicing reflexivity involves being able to “turn” around the object. However, I am not sure that I understand how an object can “arrive” in a space.

L: Being oriented toward something means that there is an encounter between two entities.<sup>24</sup> As an agent, I had a history before turning to the ECtHR, and the ECtHR had a history before I started studying it. Both of these histories led to our encounter. Studying orientations is not only about looking at what we are facing, it also means to think about the path that brought both the researcher and their object of study to this encounter, to understand what made the encounter possible. Orientations that I have taken - or inherited - brought me here; for example, the orientation that I took a few years ago toward studying the rights of intersex persons in my master’s degree. Moreover, the orientations on trans rights taken by the ECtHR in the past

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<sup>24</sup> Ahmed, *Queer Phenomenology*, 39.

made the Court a relevant object to study for me now. Both my history and the history of the ECtHR thus matter for my current orientation toward it. Ahmed explains, therefore, that it is not only my own position, history and orientations but also those of my objects of study that must be taken into account to understand positionality.

As a result, my position in the space of international law is also influenced by the position of my research object toward other objects in international law. The fact that international human rights institutions, such as the ECtHR, seem often positioned in the far distance of international economic institutions, for instance the World Trade Organisation, matters for what I am expected to see and discuss in my research. Being oriented towards human rights law often means that trade law does not automatically arrive in my field of perception. Rather, I would need to actively turn my gaze and change my position in the field of international law to bring trade law within my reach.

Thus, due to the work of other international lawmakers, objects in international law are placed in specific relationships to each other that also affect our positionality as international researchers. We already argued that positionality became our object of research because of previous generations of (feminist) researchers that have normalized thinking about the relationship between personal locations and knowledge production. However, having the possibility to get oriented towards an object is not enough to explain why we end up focusing on certain objects rather than others. In fact, Ahmed analyses further the reasons for our orientations toward certain objects.

## **Doing things**

M: Indeed, Ahmed says that we are oriented toward objects because we “do things” with them.<sup>25</sup> In that sense, I am oriented toward the HRC because its resolutions let me construct an argument that I want to put forward in my PhD thesis. Objects of our orientations have thus been described as “a tool” by Ahmed, whilst some international lawyers qualified them as “allies to those working in international law”.<sup>26</sup> But does *any* orientation toward a specific object in international law let us “do things”?

L: Ahmed refers to the possibility that we must make adjustments to our position in order to face the right direction and be able to productively use the object of our orientation.<sup>27</sup> If the writing table is too far from me, I will adjust my seat to face it properly in order to do what I want to do: to write. In the same vein, I will orientate my position toward the ECtHR “in the right way”, which is, in my case, the direction that is most relevant to study the rights of trans persons.

However, at times it is impossible to adjust my position in order to reach my objective in a given orientation. For instance, in order to do things with an object, it must fit the body. Indeed, even if we are oriented correctly, it may be impossible to perform an action because some objects tend toward some bodies more than others.<sup>28</sup> A child cannot use my writing table, because the table is too high, even if their body is oriented toward the table. Ahmed calls it a “failed orientation”: “a tool is used by a body for which it was not intended, or a body uses a tool that does not extend its capacity for action”.<sup>29</sup> She further reminds us that “[o]bjects, as well as

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<sup>25</sup> Ahmed, “ORIENTATIONS,” 550.

<sup>26</sup> Fleur Johns, “Things to Make and Do,” in *International Law’s Objects* (Oxford: Oxford University Press, 2018), 53.

<sup>27</sup> Ahmed, *Queer Phenomenology*, 51.

<sup>28</sup> Ahmed, 51.

<sup>29</sup> Ahmed, 51.

spaces, are made for some kinds of bodies more than others”.<sup>30</sup> International law, as a space, is made for some bodies more than others and this has a lot to do with characteristics such as gender, race and class. For example, the ECtHR is not available to *any* body, since some may be out of reach depending on their educational, geographic, linguistic and social location.

This means that research spaces, such as international law, are already shaped for accommodating certain bodies more than others before individual researchers, such as you and me, are entering the space. Once we enter, our bodies can become gendered or racialized depending on whether they fit or do not fit the curves already shaped out in the space. In this sense, it is not so much our bodies that influence our position in international law but rather the space of international law that is positioning our bodies, according to the spaces that previous generations of researchers curved out. It is not so much that we enter the field of international law with our own gender or race characteristics; it is the structure of international law that is gendering or racializing bodies.

Ahmed analyses this also as part of her description of how one is “inhabiting spaces”, which is another element of her framework on orientations.

### Inhabiting spaces

M: Exactly, Lena. When discussing “inhabiting spaces”, Ahmed precisely stresses the fact that spaces are sexualized and racialized, as shown by feminist geographers. As the space of international law is also gendered and racialized, it “makes some bodies feel in place, or at home, and not others.”<sup>31</sup> Feeling out of place due to the gendering or racialization of our bodies could influence the orientations that we take in the field of international law, as we might look for positions where our bodies feel more at home. This points to the fact that orientations involve a spatial relationship between subjects and objects. The space in which the relationship between us and our research object is embedded is thus another dimension that matters for understanding positionality. Moreover, this space also contains other people, which means that our positionality is not only structured by our locations, but also our relationships to other research objects and researchers in international law.

Objects are only perceived as objects if they are “within my horizon” and I can reach “toward them”.<sup>32</sup> In other words, in order to perform the action of reaching, I must reside in the same space as the object. Wouter Werner sheds light on the tendency to think about international law uniquely as argumentative, based on rules and principles. We forget that “the field is not only structured by words but also by material objects often carrying long-established meanings and provoking a specific feel to international legal practice.”<sup>33</sup> In this sense, international law is not only a social *field* shaped by rationales of inclusion and exclusion as defined by Pierre Bourdieu.<sup>34</sup> It is also a material *space* where bodies and objects relate to each other.

I entered the space of international law when I reached toward an object of international law, when I looked at an international treaty for the first time during my bachelor’s degree. Yet, entering the space of international law does not mean that all of its objects are within our reach. During my bachelor’s degree, I had never heard of the HRC and it was too far away to be within my horizon. Eventually, I oriented myself in the space of international law until I could

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<sup>30</sup> Ahmed, 51.

<sup>31</sup> Ahmed, “ORIENTATIONS,” 561.

<sup>32</sup> Ahmed, *Queer Phenomenology*, 53.

<sup>33</sup> Wouter Werner, “Framing Objects of International Law,” in *International Law’s Objects* (Oxford: Oxford University Press, 2018), 58.

<sup>34</sup> Pierre Bourdieu, “Le champ économique,” *Actes de la Recherche en Sciences Sociales* 119, no. 1 (1997): 48–66.

reach the HRC. That the HRC is now reachable is influenced by previous orientations that brought me close enough to it.<sup>35</sup>

L: Indeed, our current position remains always also circumscribed by our previous orientations. Moreover, Ahmed talks about the fact that some orientations toward objects are “given to us” or inherited.<sup>36</sup> As children, in the family home, we inherit objects, values or capital that are “near enough to be available at home”.<sup>37</sup> The nearness of some objects more than others is a form of inheriting the way that we inhabit spaces. This means that spaces and orientations are performative, they are shaped and produced through the repetition of certain directions.<sup>38</sup> Previous generations of PhD students have shaped the space and provided us with “well-trodden” paths in international law. According to Ahmed, “inhabiting the family is about taking up a place already given”.<sup>39</sup> When we enter the field of international law, in consequence, we also inherit its Western and colonial heritage. Furthermore, the mere fact that we entered the space of international law, as much as our orientations within its space, is linked to the inherited nearness of some objects rather than others. My education and socialization in Western Europe and in a context where university degrees were highly valued created a certain nearness for me to study international law, which is a highly academic and Eurocentric discipline. I can also see in my current orientations in international law the heritage of people that have shaped my path in life and academia.

Until now we have talked about what orientations are and do in our research. But, Manon, what do you think disorientation means for us as PhD researchers?

### **Disorientation in international law**

M: Despite being trained to develop clear orientations in our research, such as through clear research questions, we constantly come across “queer moments”, when we “get lost”, at least temporarily. Orientations help us to get back on the straight path, which is why Ahmed calls them “straightening devices”.<sup>40</sup> I myself have felt disoriented or “lost” many times during my PhD, always trying to restore a *straight* line between me and my object of research. In these moments of being “out of place” or “out of line”, I experienced a sense of “horror”, as Ahmed would call it.<sup>41</sup>

L: But does disorientation always have to create a sense of “horror”? The moments that I have felt disoriented or lost in my research were also some of the most exciting stages in my work, the moments that I felt that I am intellectually “alive” and learning. Indeed, Ahmed argues for embracing moments of disorientation and staying with them, as we can gain vitality from this experience and we “might even find joy and excitement in the horror.”<sup>42</sup> It can open new futures. This reminds me of what Dianne Otto says about embracing *queer curiosity*, which “can open new ways to imagine a more peaceful, equitable and inclusionary world, and offer fresh means and methods to work towards its realisation.”<sup>43</sup>

However, getting disoriented comes with certain costs; you might suddenly become “the strange one” of the department who does TWAIL or feminist research, which means that

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<sup>35</sup> Ahmed, *Queer Phenomenology*, 55.

<sup>36</sup> Ahmed, “ORIENTATIONS,” 557.

<sup>37</sup> Ahmed, 557.

<sup>38</sup> Ahmed, 558.

<sup>39</sup> Ahmed, 559.

<sup>40</sup> Ahmed, 563.

<sup>41</sup> Ahmed, 544.

<sup>42</sup> Ahmed, 544.

<sup>43</sup> Dianne Otto, ed., “Introduction: Embracing Queer Curiosity,” in *Queering International Law: Possibilities, Alliances, Complicities, Risks*, 1 edition (New York: Routledge, 2017), 2.

striving for it is not an option for those who literally cannot pay its prize. These commonly include PhD students who, in order to be “born into academia”,<sup>44</sup> must show that they can sustain a straight path. While I am doing “queer” research, I only rarely allowed myself to dwell on “queer moments” and instead usually straightened my path towards the object of my research, the ECtHR. Dwelling more often on these moments might have opened new futures, but it would have come with an unpayable prize (e.g. extend my PhD even longer, start researching from scratch in another field). Thus, the possibility to find joy and excitement in the horror of disorientation is also contingent on the social conditions that we are in. Nevertheless, even if it might not always “spark joy”, for some of us, reorientation is the only option since staying straight is no longer possible.

M: Well said, Lena. I find it also important to highlight that disorientation is some people’s everyday reality. While everybody faces disorientation, Ahmed points out that the likelihood of getting disoriented, of (temporarily) losing sight of one’s focused object, is not random. It is structured by a “political economy of attention”, whereby certain social locations, such as gender, race and class, increase the probability of being “disturbed”. Ahmed says that “there is an uneven distribution of attention time among those who arrive at the writing table, which affects what they can do once they arrive (and of course, many do not even make it).” For instance, mothers are more likely to get disoriented while trying to write on their desk than persons without any care work responsibilities.<sup>45</sup> Moreover, “orientations also take time”<sup>46</sup> and they demand investment and repetition. In other words, staying straight takes some energy, for example by keeping one’s desk clean.<sup>47</sup> People whose desk is cleaned by somebody else have more time and energy to spare to stay on the straight path. Hence, our “social locations” matter in the ability to “bracket” things, relegate disturbances in the background and keep the focus on our research objects at hand. This is one way how we could explain the relevance of gender, class, race and other social categories for the likelihood to get disoriented in international law and to produce “unscholarly, disruptive or mad” scholarship, as Hilary Charlesworth once described the mainstream perception of feminist research.<sup>48</sup>

M: Yes, it is really a conundrum. When we enter the space of international law as early career researchers, we are expected to sustain the straight line between us and our research object, yet not everybody has the same preconditions to sustain this line. Some people in certain social locations will more likely become “disoriented”. And while disorientation might lead us to producing new and exciting scholarly work, it comes with a prize to pay, which can be unaffordable.

And yet, as Matthew Waites points out, Ahmed’s framework of orientations and disorientations “appears to provide a way of conceptualizing agency and structure within consciousness.”<sup>49</sup> According to Ahmed, we can let disorientation happen or consciously thrive for it, and sometimes disorientation is unavoidable because the space in which we are residing is not accommodating our bodies.<sup>50</sup> The space of international law or academia in general is shaped by what previous generations of researchers have done and the paths they walked. These paths are not carved in stone, but they depend on people walking on them, otherwise they fade. If the paths that exist do not accommodate our bodies, we have no other choice than carving our own paths. If we have the resources to get off course in our research, to get

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<sup>44</sup> A Professor once metaphorically – and critically – said to me that a PhD thesis is the birth of a person into academic. Before finishing the thesis, you remain unborn in the eyes of professors.

<sup>45</sup> Ahmed, “ORIENTATIONS,” 547.

<sup>46</sup> Ahmed, 554.

<sup>47</sup> Ahmed, 547.

<sup>48</sup> Charlesworth, “Feminist Methods in International Law,” 380.

<sup>49</sup> Matthew Waites, “Critique of ‘Sexual Orientation’ and ‘Gender Identity’ in Human Rights Discourse: Global Queer Politics beyond the Yogyakarta Principles,” *Contemporary Politics* 15, no. 1 (March 2009): 150.

<sup>50</sup> Ahmed, *Queer Phenomenology*.



disoriented, we can also create news paths. This provides us agency, while realizing the limits put on us due to the existing structure.

L: I like to think that looking for disorientation is part of our agency as international law researchers. As we discussed, once we enter the field of international law, we inherit certain orientations. The two of us have been socialized and educated in Europe, which also means that we have been exposed mainly to sources, methods and ways of thinking promoted by European scholars or scholars from the Global North. While we inherit this orientation by entering the discipline of international law and by being based in Europe, it is also up to us to thrive for disorientation in order to be able to see and sense other approaches of doing research. Practicing positionality can thus also mean to reposition oneself and to accept the limits of one's knowledge. As we already mentioned, this might make use feel out of place, since practicing positionality can come with discomfort and the necessity to question old directions and orientations.

## **Afterthoughts**

We allowed ourselves to put the relationship between us and our objects of research within the space of international law at the center of our conversation in this paper. Taking the time to ponder on how and to which effects we have been positioned and (dis)oriented in the sphere of international law has been as much of a feminist activity as an intellectual privilege as a “therapeutic” exercise. Queer theorists such as David Halperin or Ahmed do not conceptualize “queer” as an identity but as a position that “demarcates not a positivity but a positionality vis-à-vis the normative”.<sup>51</sup> As Adam Romero further holds, queer legal research “is oppositional or at odds with – and thus *in relation* to – that which is normal or dominant.”<sup>52</sup> It is this relationality of positionality that we want to emphasize in this paper. Certain social locations in terms of gender, class and race do not matter themselves in our knowledge production processes, but they *become to matter* through the relations that we have with other researchers and our research objects within the space of international law.

Ahmed's thinking about queer phenomenology has provided us with a frame to understand positionality in international law as a continuous process deriving from constantly evolving relations along three axes. It made us delve into the interrelationship and interdependence of our own positions and orientations with those of our objects of research and those of the broader space of international law. Understanding positionality in this way avoids the exclusive centration on the speaking subject as the sole agent in the process of knowledge production by emphasizing its embodied embeddedness in a relational system. We grasped a few of our orientations in international law, of which some have been inherited, some have been shaped by our experiences in life and law, and some others have been the result of active decisions. In this process, we got hopeful that new futures in international law are possible, maybe by embracing disorientation as a form of queer curiosity.

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<sup>51</sup> David M. Halperin, *Saint Foucault: Towards a Gay Hagiography* (New York, NY; Oxford: Oxford University Press, 1995), 62.

<sup>52</sup> Adam P. Romero, “Methodological Descriptions: ‘Feminist’ and ‘Queer’ Legal Theories,” in *Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations*, ed. Martha Albertson Fineman, Jack E. Jackson, and Adam P. Romero, 1 edition (Farnham, Surrey, England ; Burlington, VT: Routledge, 2009), 195 (emphasis added).

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