



Feminist geolegality

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Abstract

In this paper we outline the case for feminist geolegality, a project that integrates legal geography and feminist geopolitics. The approach captures the myriad ways that law intermeshes with intimate corollaries of geopolitics and geoeconomics. It includes yet surpasses scholarship on international lawfare and military conflict to examine intimate wars that law mediates in the more mundane battlefields of everyday life. The body and home act as heuristic sites to review existing work and future trajectories of feminist geolegality. Its significance is marked further by the era of Trumpism, the gendered spatial and temporal legal implications of which are explored.

Keywords

feminist, gender, geoeconomics, geolegal, geopolitics, law, lawfare

1 Introduction

In the last five years the notion of the geolegal has gained heightened attention, particularly amongst political geographers (Braverman, 2011; Jones and Smith, 2015; Mountz, 2013; Smith, 2014; Snukal and Gilbert, 2015). Such interest stems, in part, from foundational legal geographic scholarship published since the 1980s on the co-constitution of law and space (see, for example, books by Blomley, 1994; Blomley et al., 2001; Braverman et al., 2014; Delaney, 2010). As Blomley (1994: 51) sets out in forerunning work, law ‘serves to produce space yet in turn is shaped by a socio-spatial context’. In so being, co-constitution has become the ‘leitmotif’ of legal geography today (Bennett and Layard, 2015: 408). Indeed, in *The Expanding Spaces of Law* (Braverman et al., 2014), Smith (2014) highlights the multitude

of neologisms used to reflect the reciprocal relationship between law and space, including the law-space nexus, the spatiolegal, legal spatiality, and law-space-power.

In the context of his research on international law and military conflict in Afghanistan (2001–14), Smith (2014) advocates for geolegality. Geolegality, Smith argues, marks ‘the indissoluble relations between law and space’ in which ‘the “geo” helps forge, and foreground, a connection between the spatiolegal, on the one hand, and two other concepts that name important discourses and domains of contemporary social life in a “glocalizing” world: geopolitics

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and geoeconomics' (p. 146). This interweaving echoes the analytical shift within geography more broadly towards understanding the dynamic interplay between geopolitics and geoeconomics (Cowen and Smith, 2009). Sparke (2017: 57–8) notes, for example, that it is a 'mistake either to historicize "geopolitics" and "geoeconomics" apart as entirely separate periods in geostrategic history, or to spatialize them apart as separate zones of danger and stability on the global political map'. Rather, they are 'bound together and cogenerative' (Essex, 2013: 130). Geolegality maps a similar argument onto the relationship between law, geopolitics and geoeconomics.

In this paper we set out a case for feminist geolegality, a project that integrates the intellectual terrains of legal geography and feminist geopolitics. While in direct riposte to Smith, Valverde (2014: 57–8) is dismissive and even mocking of geolegality, contending that it is 'no doubt useful in intellectually sparring for position with proponents of geopolitics', we argue that geolegality works in synergy with geopolitics, rather than in hollow competition. Over two decades of consolidated work, feminist geopolitics has established the global and intimate as mutually constituted entities (see as examples Dowler and Sharp, 2001; Hyndman, 2001, 2004; Mountz and Hyndman 2006; Pain and Staeheli, 2014; Pratt and Rosner, 2006). Methodologically, feminist geopolitics emphasizes grounded, empirical accounts that underscore how localized, embodied discourses link to transnational discourses and vice versa (Hyndman, 2001). Consequently, a feminist geopolitical approach 'redraws the boundaries of the geopolitical and allows for a more nuanced understanding of the operation of power at multiple scales' (Massaro and Williams, 2013: 572). The paper that follows demonstrates how feminist geolegality works in productive symbiosis with feminist geopolitics, marking 'the indissoluble relations' between law, space and the workings of power across intimate and

global scales. With its focus on the geolegal through a multi-scalar analytic set on 'challenging and even imploding' (Mitchell et al., 2003) binaries like local/global, our advancement of feminist geolegality is timely on multiple intellectual fronts.

In feminist legal studies, Davies and Munro (2016: 2) identify that there has 'been an increasing reorientation away from an exclusive focus upon nation states and their domestic concerns towards a more global consciousness, where lines of engagement and tension cross geo-political boundaries'. As Valverde (2015: 113) warns, however, this shift in feminist legal studies comes with a set of risks, including a 'silent abandonment of domestic-scale analyses' in favor of the transnational. She argues in more detail that 'the recognition of the transnational as a key scale of gendered governance did not have to lead to the abandonment of the critiques of marriage and domestic labour; feminist legal thought could have evolved in a more multi-scalar fashion' (p. 118). What distinguishes feminist geopolitics is this multi-scalar intermeshing of geopolitics, intimacy and the everyday into a 'single complex'. Seminal work by Pain (2015: 64) on 'intimate war', for example, puts forward the case for domestic violence and modern international warfare to be understood as part of a 'single complex' of violence that has

common gendered, psychological, and emotion-laden foundations of power, though it may be enacted, negotiated and resisted in specific ways. . . . This articulation does not position the intimate as affected, or dripped down upon, by larger (geopolitical) processes. It does not restrict itself to drawing parallels between the international/global.

Under this guise, masculinized 'hot' geopolitics (e.g. war) and feminized 'banal', emotional and intimate violences (e.g. sexual assault in the military and on college campuses) are inseparable (Christian et al., 2016). A

feminist geolegal approach to the study of law and space addresses the above cited apprehension that some scales of analyses are prioritized over others.

As such, our conception of feminist geolegality resonates with legal geographic work on ‘interlegality’ which emphasizes the overlapping of legal orders. Seminal work by de Sousa Santos (1987: 288) sets out that interlegality and socio-legal life are ‘constituted by different legal spaces operating simultaneously on different scales and from different interpretative standpoints... [but] [m]ore important than the identification of the different legal orders is the tracing of the complex and changing relations among them’ (see Valverde, 2008, for further discussion of the concept). Articulating the combination of legal geography and feminist geopolitics as feminist geolegality captures the myriad ways that law intersects with intimate corollaries of geopolitics and geoeconomics and their gendered manifestations and reverberations in space and time. Feminist geolegality is not just about the overlapping of law, however; rather, intimacy, geopolitics and geoeconomics are mutually imbricated and embodied.

Aside from these contributions, the importance of a feminist geolegal approach is three-fold. First, the paper expands discussion of existing scholarship on the geolegal which focuses on corollaries of war (Braverman, 2008; Gregory, 2007; Jones, 2016; Snukal and Gilbert, 2015) to encompass feminist scholarship on violence within and beyond the battlefield that warrants discussion under a geolegal umbrella. Emerging from predominant literature on (inter)national war and militarism, law and violence have been shown to ‘hold each other in deadly embrace’ (Gregory, 2007: 211) to the extent that that the term ‘lawfare’ has amplified conceptual purchase. The website www.lawfareblog.com traces the popularization of the term in modern parlance from US military figure Charles Dunlap (2001: np), who spoke of ‘law as a weapon of war’ and

contended that there existed ‘disturbing evidence that the rule of law is being hijacked into just another way of fighting’.

However, as Sjoberg and Gentry (2015: 358, emphasis in original) note, ‘Looking at *where women are* and *where gender is* shows that war, terrorism and insecurity are as often in the bedroom as on the battlefield, and as often in the family home as in houses of government’. Pain’s (2015) aforementioned work renders clear that both domestic violence and international warfare can be described as ‘intimate war’. Feminist geolegality extends this focus on intimacy-geopolitics to incorporate a geolegal register by illustrating the range of ‘intimate wars’ mediated through the geopolitics and geoeconomics of law. The scholarship brought together in this paper reveals the complexity of the legal arena as a space of domination, but also as a means of resistance by which women and other socially marginalized people strive for transformation. This more ambiguous reading of lawfare has sympathies with the blog site which insists that the term does not have ‘only negative connotations’ (see also a special issue foreword by Scharf and Pagano, 2010, which discusses lawfare from various perspectives).

Akin to feminist geopolitics which ‘aims to bridge scholarship in feminist and political geography by creating a theoretical and political space in which geopolitics becomes a more gendered and racialized project’ (Hyndman, 2004: 307), we argue, second, that the conceptual investment in feminist geolegality expands this bridging to legal geographies by emphasizing questions of dominating and resisting power in relation to law and space. The introduction to *The Expanding Spaces of Law* states in synchronicity that ‘Legal geographers contend that in the world of lived social relations and experience, aspects of the social that are analytically identified as either legal or spatial are conjoined and co-constituted’ (Braverman et al., 2014: 1). Given the cited commitment to the social in the legal geographies project, it is surprising that

there has been little discussion of the relationship between the webs of power and different social categories, including gender, that organize social life in the geolegal. While Delaney (2015: 268) claims that legal geographies ‘show us, often in granular detail, how unjust geographies are made and potentially un-made’, we argue that the gendered power dynamics of law and their intimate and everyday manifestations and contestations has not received adequate attention in geolegal analyses. It is significant, for example, that scholars embedded in feminist security studies are also looking to broaden conceptual vocabularies to include the geosocial in their field (Hörschelmann and Reich, 2017). That the social is a key medium through which different dimensions of (in)security and (in)justice are imagined, experienced and modified prevails in our discussions of pressing gender and societal issues which have geolegal resonance.

With attention to questions of power and by emphasizing embodied and grounded accounts that illustrate the varied effects of law on different bodies, feminist geolegality emphasizes, third, legal and socio-spatial experiences that are the product of intersecting identities. Consequently, feminist geolegality works to address a critique within feminist legal studies that feminist analyses of law have tended to focus on gender and the singular ‘woman’ (Drakopoulou, 2000). As feminist scholars have shown, the law creates legal categories that determine who receives state protection, citizenship status, benefits and resources (Chouinard, 1994). Notably, legal categories are fluid, and for historically marginalized groups, new legal categories have been directly tied to political subjectivity.

We argue that geolegal work moving forward should not only incorporate a more robust analysis of the gendered implications of law, but that it should also utilize more fully a feminist intersectional analytic (Crenshaw, 1989). As a legal scholar, Crenshaw’s development of intersectionality emerged in

response to anti-discrimination law, which relied on a ‘single-axis framework’ (1989: 139) where claims of discrimination could be made on either the grounds of sex or race, but not both, thereby limiting legal recourse for discrimination complaints on a basis of intersecting identities. While intersectionality offers a lens through which to analyze inequality and improve the law, it can also reveal how socio-spatial experiences are incommensurable with the categorized representations of identity established in law (Grabham et al., 2009).

This latter concern with law as an exclusionary, disempowering, and discriminatory apparatus is developed in the work of Weheliye (2014), who draws on black feminist scholars, including Hortense Spillers and Sylvia Wynter, to illustrate how law frames conceptions of humanity as synonymous with western Man such that racialized, gendered and sexualized others exist outside the category of humanity. Through his critique, Weheliye reveals and disrupts the underlying exclusionary logic of law that distinguishes ‘full humans from not-quite humans and nonhumans’ (2014: 26). As feminist geolegality considers the varied effects of law on different bodies and identities across scale, we argue for incorporating an intersectional analytic attuned to how law dehumanizes certain bodies as a way of understanding the complex relationality between spatialized forms of oppression and geolegality.

In what follows we provide two sections on the body and home as ‘social spaces, lived places, and landscapes [which] are inscribed with legal significance’ (Braverman et al., 2014: 1). Our identification of these two sites through which to review existing work and future trajectories of feminist geolegal research also complements feminist geopolitical scholarship that centres the body and home as a means ‘through which to flesh out the embodied dimensions of living and knowing the global’ (Mountz and Hyndman, 2006: 447–8). While the feminist geolegal agenda we aspire to build

is not spatially confined to the body or home, from a legal perspective these chosen loci connect to a core question exercising feminist geopolitics, namely ‘how is intimacy [and violence] wrapped up in national, global, and geopolitical processes and strategizing, international events, policies and territorial claims, so as to already be a fundamental part of them?’ (Pain and Staeheli, 2014: 345).

In addition to the bridging of literature across legal geography and feminist geopolitics, the paper makes reference to cross-cutting work in political geography, feminist legal studies and feminist geography as appropriate. We also point to the analytical timeliness of feminist geolegality through recourse to select examples of current shifts in global politics which have potentially profound implications for women’s legal rights and freedoms in different parts of the world. Responding to the critique made by Valverde (2015: 41) of legal geography, that lived temporality is neglected, ‘reducing time to empirical history’, the examples provided include geolegal encounters and gendered agitations related in particular to the presidency of Donald Trump in the United States – an abrupt period of legal change which began in January 2017 and which we follow up until August 2017.

II Geolegal bodies

As the field of feminist geopolitics has grown, so too has work on the body to the extent that the body is now considered ‘the site where the geopolitical is produced and known’ (Smith, 2012: 1518) and its safety considered ‘the finest scale of geopolitical space’ (Hyndman, 2001: 216). Feminist geopolitics exposes ‘the force relations that operate through and upon those bodies, such that particular subjectivities are enhanced, constrained and put to work, and particular corporealities are violated, exploited and often abandoned’ (Dixon and Marston, 2011: 445). Feminist geolegality applies the same approach to the study of law and space through

its attention to the body as the site of both legal inscription and resistance (Grosz, 1994).

In advancing feminist geolegality and understanding the body as a site of both legal inscription and resistance, we draw on feminist scholarship that explores the methods by and through which gendered, sexualized and racialized subjectivity occurs. This is scholarship that does not deny the material or natural dimensions of the body, but rather points to how bodies attain cultural meaning and how people experience their embodied subjectivities (Butler, 2003). The law represents a key medium by which feminist scholars have explored how subjects are produced. In developing her notion of performativity, Butler (1990: 134–5) explains, ‘Law is not literally internalized, but incorporated, with the consequences that bodies are produced which signify that law on and through the body’. Consequently, as the law and legality – both juridical and cultural – work to determine belonging and inclusion, the law also establishes boundaries that exclude, marginalize and discipline. Recognizing how gender performativity can operate as a strategy of survival, Butler (2003: 417) explains, ‘Discrete genders are part of what “humanizes” individuals within contemporary culture; indeed, those who fail to do their gender right are regularly punished’.

Weheliye (2014) also makes visible how legal recognition is tied to the acceptance of embodied subjectivities that are further based on white supremacy, colonialism and normative genders and sexualities. Drawing on Esmeir’s (2012) notion of ‘juridical humanity’, Weheliye details how governing institutions utilize law to bestow and rescind personhood. For example, noting a 2008 resolution, he describes how the United Nations High Commissioner for Refugees categorized only some forms of sexual violence as crimes, which then barred other victims who experienced different forms of abuse from claiming legal injury or personhood: ‘In the end, the law, whether bound by national borders or spanning the globe, establishes an international

division of humanity, which grants previously excluded subjects limited access to personhood as property at the same time as it fortifies the supremacy of Man' (2014: 13).

How bodies come to bear meaning and the role of law in producing subjectivity is further reflected in the work of Braidotti (2002: 2), who offers a spatial approach to understanding embodied subjectivity as dynamic and changing, 'where a person's identity takes place in the spaces that flow and connect'. In accounting for these intersecting and nomadic subjectivities, Braidotti (2002: 3) observes a politics of location where 'being nomadic, homeless, an exile, a refugee, a Bosnian rape-in-war victim, an itinerant migrant, an illegal immigrant is no metaphor, but rather related to highly specific geopolitical and historical locations', or what she describes as 'history tattooed on your body'. With attention to the power relations that make possible these situated and embodied positions, Braidotti then works to visualize and identify possible sites and strategies for resistance.

We thus begin our review of existing work and future trajectories of feminist geolegal research with a focus on the body and production of legal subjectivities that view 'the body as a location from which to understand the collapsing and constructed scale of the global and geopolitical as intimately lived' (Mountz, 2017: 4). In doing so, we identify work mainly in geography that illustrates the connections between law and the body as a site where war is waged, a sense of security felt, personhood experienced and humanity known. Law has a legacy of marking bodies as legitimate and illegitimate, and as this section on geolegal bodies goes on to show, digital technology in the 21st century is significant in these delineations.

First, however, we turn to the more traditional mainstay of feminist geographical work on immigration, refugee and asylum law which offers up opportunities to understand how this marking of (il)legitimacy is intrinsically connected to geolegality and the socio-spatial

sorting of populations into categories of belonging. For example, Gorman (2017) analyses US asylum case law, specifically those of two Salvadoran men, to show the discursive tactics utilized in constructing Central American 'feet people' as illegally present and thus subject to deportation and detention. In focusing on the shifting discourses of who qualifies as a refugee, Gorman traces the 1980s Cold War geopolitical landscape alongside the racialized, classed and gendered fears about the migration of 'undesirable others' to show how the state uses asylum law to control bodies and borders.

The discursive framing of migrant bodies as undesirable and criminal figures into the work of Martin (2011), who examines the detainment of noncitizen families – including children – within the US. In what she calls a geopolitics of vulnerability, Martin shows how state actors use legal and spatial tactics to construct the bodies of noncitizen children as child-objects and adult migrants as criminal-agents. With adult migrants further categorized as 'illegal aliens', 'Children's and adults' legal subjectivity is mutually constitutive, so that each displaces the other while neither achieve recognition as a "person" before the law' (2011: 491). As another example of the way law distinguishes 'full humans' from 'less-than-humans' (Philo, 2016), Gorman (2016) offers a feminist geolegal analysis of Matter of Kassindja, a gender-based asylum case in which a young woman, Fauziya Kassindja, was detained in a maximum security prison for two years before the US finally issued her asylum. Speaking of her time in detention, Kassindja explains, 'I was an illegal immigrant. I was in 'exclusion proceedings.' In the eyes of the law, I basically didn't exist' (cited in Gorman, 2016: 962).

This juridical othering (Jamieson and McEvoy, 2005) and the socio-spatial sorting of bodies into categories of belonging and legitimacy is also a feature of the international legal system. For example, Fluri's (2011) work demonstrates how gendered bodies became

proxy tools not only for the ‘war on terror’ in Afghanistan following 11 September 2001, but how the narrative of protecting Afghan women also worked to support the sex industry operating inside the international aid and private sectors. Relying on their extra-legal status and living in a conflict zone devoid of ‘modern rules of law’, Fluri (2011: 528) details how international aid workers have enjoyed access to sex workers in Afghanistan imported from China. This practice allowed international aid workers to abide by the gendered geopolitics of the war that defined Afghan women’s bodies as prohibited, while participating in the long-standing gendered geoeconomics of sex industries in conflict zones.

The shifting legal response within international law during the 1990s that redefined mass rape as a gender-specific war crime (Buss, 2009) offers another example of the intersections of international law and intimate bodies. As Kinsella (2004: 249) notes, however, ‘precisely at the moment that the currency of the laws of war has been generally revalued, and specifically invested with newfound worth for the protection of women, the relationships among power, gender, and the laws of war are scarcely analyzed’.

A recent exception, Reiz and O’Lear (2016) explore what they term as a ‘critical legal geography perspective on rape’ in the context of Haiti and cases of civilian rape by UN military personnel and police. Their paper highlights that while law cannot necessarily redress the psychological and physical harm inflicted on survivors’ bodies, its legal recognition ‘may foster a sense of belonging within a structured community that holds values of human and civil rights in high esteem’ (2016: 3). However, the attention to wartime sexual violence within international criminal law has also been met with criticism by some feminist scholars who argue that this ‘fixation’ has led to ‘the substantive problems associated with rape prosecutions’ being ‘left obscured’ and ‘problematic rape

hierarchies... reified and victim experiences further marginalized’ (Henry, 2014: 93). Mégret (2015: np) argues, furthermore, that ‘the focus on sexual violence as less a symptom of patriarchy than as a tool of between-group aggression (“rape as genocide”) is faulted for taking attention away from ordinary rape and for further entrenching some international law’s civilizational stereotypes’. Moving forward, it is important that feminist geolegality not only interrogates but also provokes critical debate on the continued paternalism of law and challenges rallied against it.

For example, in a recent report by the United Nations General Assembly (2016), Juan Méndez, Professor of Human Rights Law and UN Special Rapporteur on Torture (2011–16), argues that the geopolitics of torture extends to the safe denial of abortions. This definitional metamorphosis speaks to the significance of torture and the ‘body in pain’ in the ‘making and unmaking of the world’ (Scarry, 1985: 23) outside the confines of war alone. Yet the progressive recognition of reproductive healthcare denial as a form of torture sits in stark relief to regressive counter trends risking women’s reproductive and sexual rights around the world. A re-reading of Hyndman’s (2001: 215) paper is instructive here. In calling for greater conversation between feminist geography and political geography, she notes a significant shift in global affairs, ‘whereby the security of persons has been put on more equal footing with sovereignty and the security of states. While international law and the discourse of human rights have long existed, their mobilization by states, regional bodies, and suprastate organizations, such as the UN Security Council, appears to be increasing’. Cut to 2017 and this shift appears to be declining with geopolitical realignments and the rise in populist nationalism leading some commentators to argue that a global backlash against human rights threatens to ‘reverse the accomplishments of the modern human rights movement’ (Roth cited in Strangio, 2017; see

also Moyn, 2010, for a detailed historiography of human rights, including their entry into rival political agendas).

The possible reversal of modern human rights through the rewriting of the law and its geopolitical and geoeconomic effects is visible through the example of reproductive and sexual health within the United States. Pruitt's (2007) work on the relationship between abortion regulations and spatiality in the US focuses on the role of government in the enforcement of patriarchal control over women's bodies, sexuality and everyday lives through law. Pruitt and Vanegas (2015: 77) argue that 'spatially privileged judges are applying the undue burden standard to laws that require women to travel hundreds of miles, sometimes on multiple occasions, to access abortion services'. Of newer concern is President Trump's intent, at the time of writing, on selecting a US Supreme Court judge committed to overturning *Roe v. Wade*. The 1973 law 'recognized that the constitutional right to privacy extends to a woman's right to make her own personal medical decisions – including the decision to have an abortion without interference from politicians' (Planned Parenthood, 2017).

While Pruitt's work centers on abortion law in the US, the restrictions to access that she describes point to how domestic politics have geopolitical and geoeconomic implications. President Trump's rescinding of funding support for reproductive health care lends an example. On 23 January 2017 President Trump signed a decree – the 'global gag rule' – barring US federal funding for foreign NGOs that support abortion. The rule has significant implications for women living in countries that depend heavily on development assistance for family planning and reproductive health services. It also illustrates how reproductive healthcare and the legal rights of women to maintain autonomy over their own bodies carry distinct geopolitical and geoeconomic calculations.

However, the legal challenge to reproductive healthcare and human rights more broadly has not gone without notice. On 21 January 2017, millions of people in Washington DC and across the world participated in the Women's March to call for the protection, rather than denigration, of human rights legislation and policies. Especial opposition and ire against President Trump and his anti-women statements and policy positions infused the protests. As a commentary in *Gender, Place and Culture* outlines:

By 6 March 2017, he had signed 34 executive orders, presidential memoranda, or proclamations that restrict the rights of women, immigrants, Muslims, and Native Americans while relaxing regulations on manufacturing companies, increasing support for law enforcement and the military, and moving towards dismantling the 'administrative state.' Thereby, the Trump administration invests in strengthening masculinist state institutions like law enforcement and the military, while divesting from feminized state institutions that are associated with the care, well-being, and education of the population and the soft power of diplomacy. (Gökarksel and Smith, 2017: 3)

The Women's March was the largest day of demonstrations in American history, with solidarity marches across all seven continents, including on a boat in Antarctica. Of the many images captured throughout the protests, the photograph of an elderly woman holding up a placard at the London Women's March went viral. Its message, '*I can't believe I still have to protest this fucking shit*', spoke to the anger, exasperation and disbelief that motivated so many to take to the streets. As a recent editorial in the journal *Women & Criminal Justice* (Chesney-Lind, 2017: 1) notes, the presidency of Donald Trump represents 'no better time to reflect on the role of the state, and particularly the criminal system, in the policing of girls and women's bodies'. While a valid observation, feminist geolegality draws on the tools of intersectional feminism to theorize and work against



Figure 1. Tweet by Isabella Lövin, Deputy Prime Minister of Sweden (3 February 2017). Source: Twitter, 7 February 2017.

the broader exclusionary politics which Gökarksel and Smith (2017) identify in the era of Trumpism.

The Women's March itself represented the culmination of months of planning, much of which occurred and was organized online using technological tools, including social media. Increasingly, technology presents opportunities for collective resistance to legal attacks on marginalized bodies. For example, a week after photographs were taken of Donald Trump surrounded by a group of smiling white men as he signed the 'global gag rule' decree in the White House, Isabella Lövin, Deputy Prime Minister of Sweden, released a Tweet of herself signing a climate law surrounded by her closest female aids, including a pregnant colleague (Figure 1). This feminist assertion of 'Twitter diplomacy' attracted 71,000 'likes' and echoes feminist geopolitical work that emphasizes the body and intimacy as sites of resistance within a wider politic (Fluri, 2009; Hyndman, 2001; Smith, 2012). This act of resistance also illustrates some avenues for feminist geolegality moving forward.

While mimetic diplomatic practices are ordinarily written about in relation to unofficial

non-state actors (McConnell et al., 2012), the case of harnessing technology like Twitter highlights the importance of future work on the ambiguities and creativity of geolegal practice in 'old diplomacy' between states. The photograph also brings into focus the gendered geopolitics of lawmaking, which warrants further attention in future feminist geolegal work in order to bring into greater focus the experiences and practices of female lawmakers, or who Delaney (2010: 173) might define as those 'hidden in plain view'. The feminist politician's Tweet is also an example of how the internet and social media can be harnessed to build solidarities across space and can function as a network of 'outrage and hope' (Castells, 2012: np). As Pinkerton and Benwell (2014: 13) write of Twitter and social media, we might therefore 'question the kind of geopolitical [and gendered] work these creative geopolitical devices can do alongside "traditional" diplomatic practices and how their production, ownership and dissemination might break down distinctions between formal, practical and popular geopolitics'. Feminist geolegality is marked by an interest in how digital technology, including social media and the internet, operates as a means of contesting lawfare against gendered bodies. Resistance, as Pain (2015: 72) acknowledges, 'is always present in intimate war'.

The use of military-designed technology to unlock emancipatory potential for civilians, including women whose sexual and reproductive rights are denied, offers another opportunity for feminist geolegal analysis. Accompanying the proliferation of scholarship and interest in political geography on the international legality of surveillance and killing via drone warfare (Gregory, 2011; Jackman, 2016; Shaw, 2016), recent work has looked to the targeting of drone strikes, including 'geographies of legal terror' against military-aged men (known as MAMs by US soldiers) in Muslim countries such as Pakistan (Wall, 2016). Interdisciplinary feminist scholarship has also tended to focus its



Figure 2. Abortion drone, Ireland, 21 June 2016.
Source: Womenonwaves.org, 2017.

concerns (understandably) on the violent trajectories of drone militarism (see for example Feigenbaum, 2015, on ‘drone feminism’).

There exists nevertheless an emerging interest in exploring ways that drone technologies might ‘demand change, revolution or social spatial alteration’ (Sodero et al., 2017). Signaling the importance of a feminist geolegal lens attuned to intimate intersections between law and technology, Women on Waves (a Dutch NGO) have piloted the use of abortion drones to deliver abortion pills from one country to another for women who otherwise lack access (Figure 2). Just as Gregory (2011) and Wilcox (2017) have lent considerable critique to the idea that drones are a remote and detached form of warfare, the abortion drone is embodied with the targeted corporeal capacity to address the illegality of abortion in particular countries.

The NGO piloting the drone has also tried to prevent unsafe abortions and unwanted pregnancies by providing early medical abortions with pills dispensed on boats. By positioning the boats within international waters, the NGO relies on national penal laws that generally extend only as far as territorial waters (12 miles) (Gomperts, 2002; Women on Waves, 2017). The contestation of lawfare against women’s reproductive rights, be this flying medication through the air or launching

abortion services out to sea, are illustrative of future directions to explore the feminist making and re-making of territorial geolegalities. A feminist geolegal agenda is therefore committed to examining the intersection of bodies, law and power, not only on terra firma but in digital and floating worlds, to understand opportunities for legal resistance in response to attacks on women’s bodies.

Whilst feminist geolegality is attentive to the potential of such digital feminist activism in challenging intimate lawfare, it is important that their promise does not usurp vigilance to the threats of digital technologies in the realm of corporeal security, including technology-enabled violence against women. This can be keenly seen in relation to ‘cyber threats’. While the past five years have seen a glut of new publications on international law and cyberspace (see for example the handbook on this theme by Tsagourias and Buchan, 2015), this work tends to focus on international crime and security. The geolegality of intimacy in cyber/space, and the territorial and juridical logics of privacy brought into question as a result of intimate cyber threats, requires greater academic scrutiny. As Maher et al. (2016: 14) surmise: ‘new digital technologies significantly expand opportunities for surveillance and harassment’ in the intimate realm. For example, the political panorama of ‘revenge pornography’ is one ‘forcible frame’ (Butler, 2009: 63) in which covert filming of sexual acts and images of women’s bodies are circulated without consent and to which the law ineffectively responds. Henry and Powell (2016: 398) argue that legal frameworks are ‘simply ill-equipped to deal with the sorts of harms perpetrated by these behaviors’ over such vast territories. Pain (2015: 67) writes, for instance, that intimate war ‘gains its devastating potential precisely because it does not concern strangers, but people in relationships that are often long term’. Revenge pornography and cyberstalking, as forms of intimate violence, offer additional illustrations for the importance

of a feminist geolegal approach to understanding the mutually constituted nature of ‘real’ and virtual spaces in women’s lives (Longhurst, 2009; Madge and O’Connor, 2005).

III Geolegal homes

In this section, we shift focus to the intermeshing of the geolegal in and through the home. Homes, as Delaney (2010: 77) notes in his discussion of ‘nomospheric settings’, are ‘socio-spatial artifacts and devices through which the ins and outs of a variety of power relations are established, enacted, revised, and reproduced’. Law seeps in and out of the extra-domestic, multi-scalar home given its porosity and trans-ecution by public and political worlds. As Suk (2009: 3) writes:

In areas of utmost importance to individuals’ relations to the state and to each other home is often overlooked as though it was self-evident and contained axioms from which legal results follow. But the legal meanings of home are ambivalent and contested. The home is a site of struggle over the most basic concepts that frame and construct our evolving legal universe.

Connected to this observation, recent critical legal studies scholarship has made an effort to move away from a legal analysis of property rights to focus on the human consequences of law related to the home (Fox O’Mahony and Sweeney, 2016). Yet this work lacks an explicitly feminist analysis. In what follows, we illustrate the need to ‘make space’ for home within geolegal analyses (see Brickell, 2012; Harker, 2009; Smith, 2009, on the aligned ‘domestication’ of geopolitics). Like the body, the home is a long-standing site of feminist geopolitical and geoeconomic analysis. More recently, feminist geographers have been illustrating the intimate relationship between law, geopolitics and geoeconomics. One such example is a feminist geolegal analysis of dis-possession (Casolo and Doshi, 2013; Ryan,

2017). Brickell’s research (2014, 2016) charts how women from Boeung Kak Lake in Phnom Penh have deliberately crossed the ‘line’ between private/public, personal/political to contest the alignment of Chinese-backed ‘development’ in Cambodia with the necessity to illegally bulldoze homes. These resistance practices include spearheading a challenge against the World Bank’s collusion in forced eviction, which led to suspension of funding for all new projects in Cambodia. In this sense women ‘are not simply enrolled as passive victims or pawns of geo-economic securitization maneuvers’ (Casolo and Doshi, 2013: 804) but can ‘jump scale’ to influence international institutions of power. Indeed, as Mahmud (2010: 105) writes, ‘geolegal space furnishes the field of possibilities for both operations of power and subaltern resistance. Subjectivities created by this ensemble are unavoidably entangled with spatially distant forces’.

Peaceful protests in defense of Boeung Kak Lake homes have also resulted in multiple pregnancy miscarriages at the baton-wielding hands of police and private security guards (Brickell, 2014). Cambodia’s security landscape is one instance in which ‘the connections between state and private security are blurred and a hybrid security-actor has emerged’ tied to capital and political power (Sidaway et al., 2014: 1182). More widely the phenomenal growth of commercial security companies is a major yet too often ‘untold story of security privatization in international politics’ and law enforcement (Abrahamsen and Williams, 2011: 1). Gammeltoft-Hansen (2016) argues that such outsourcing is a delegating tactic used by states to release themselves – *de facto* or *de jure* – from legal obligations otherwise owed. Understanding this trend and what is at stake from a gender-differentiated standpoint should form an important component of future work on the geopolitics and geoeconomics of security and law. While it has been argued that ‘the practice of law is missing from existing legal

geography' and the subsequent case made for the study of lawyers who 'interpret and enact the law in sociospatial contexts that can reinforce or alter spatial norms' (Martin et al., 2010: 175), feminist geolegality brings into view a larger gamut of (quasi) legal actors who mediate everyday life from international financial institutions to (multi)-national security services. While existing work in legal geography orbits around the increasing privatization of war and warfare, and the significance of private contractors in the 'jurisdictional ambit of governance' in warzones (Snukal and Gilbert, 2015: 662), feminist geolegal research has an important role to play in highlighting the gendered violences and injustices brought about by emerging geolegal apparatuses or 'nomospheric technicians' (Delaney, 2010: 157) who are also operative in 'intimate war'.

In relation to home, the intimate relationship between law, geopolitics and geoeconomics can be also be viewed through a bulwark of scholarship concerned with the increase of migrant workers crossing international borders, and the domestic services that represent part of this evolving geoeconomic landscape.

Focusing on cases of maid abuse, Yeoh et al. (2004) show how employers rely on gendered and racialized typecasts to position the bodies of migrant women in Singapore as unskilled, of little economic value, and viewed by some male employers as objects of sexual pleasure. Within their research, the authors examine the potential of the Penal Code to aid these 'diasporic subjects'. While penalties for those who abuse migrant women have intensified to include the possibility of imprisonment and/or a fining or caning, Yeoh et al.'s (2004) paper shows the socio-spatial reasons why migrant women's access to legal justice remains deeply problematic. They elaborate, that 'The privacy of the household throws a cloak over situations of abuse where maids are already vulnerable given the starkly unequal power relations between employers and maids' (2004: 16). The research

speaks then to the 'rethinking of the ties between person and place . . . in the "reach", or impact of the law in a globalising world' (Yeoh et al., 2004: 7).

While the 'reach' of law is ordinarily out of bounds for maids in Singapore, other feminist geography research has argued that for Filipino live-in domestic workers on temporary visas in Canada, legal abandonment is rife (Pratt, 2005). Pratt argues that legislative victories for domestic workers are rare given the violence of exclusion through non-citizenship. These examples illustrate how domestic workers experience violence, harassment and unlawful confinement with limited recourse for legal protections. Despite their legally protected status, the home as private space, when coupled with unequal power relationships between employer and employee, position transnational migrants in precarious legal positions. As Mountz (2010: xviii) notes, 'geography and the law are intertwined in many ways', and the 'legal identities of migrants take shape through the production of particular geographies'.

In 2017, the arrest of an undocumented woman in the US seeking a protective order against her violent boyfriend is a case in point. Immigration and Customs Enforcement (ICE) agents showed up at the Texas courthouse, a move described as 'unprecedented' (Mettler, 2017), yet which under the Trump presidency reflects a significant increase in arrests of suspected undocumented immigrants (Rhodan, 2017). As Delaney (2010: 16) writes in respect to ICE, 'the dominant spatial imaginaries that inform conceptions of sovereignty may be at odds with those articulated by advocates of immigration rights or those that inform notions of privacy and the sanctity of the home'. This example underscores the significance of 'plural temporalities of governance' (Valverde, 2009: 139) which highlight the temporally contingent and uneven application of law in space and time.

The legal response to gender-based violence offers an exemplar of the uneven application of law. Although assault laws were applicable for most of US history, law enforcement refused to intervene in domestic violence occurring in the home, citing the male head of household as legal owner of the property (Buzawa and Buzawa, 1996). Similarly, North Carolina became the last US state to criminalize marital rape in 1993; prior to 1993, a North Carolina man's right to sexual intercourse within the private space of his home trumped his wife's right to self-determination over her own body (Woolley, 2007). Yet the purview of the law depends on who and what the law seeks to discipline and regulate. For example, the legal response to sexual violence within the US historically centered on the race of the perpetrator and victim. While arrest, prosecution and capital punishment swiftly followed accusations of rape by white women against men of color, violence with impunity surrounded the rape of women of color by white men through much of the 20th century (Donat and D'Emilio, 1997).

The unintended consequences of laws based in claims to equality are also visible in the way that the law shapes and mediates everyday violence (Secor, 2007). For instance, feminist geopolitical work has shown how laws meant to address domestic violence in the home (Cuomo, 2013, forthcoming) and sexual assault on college campuses (Christian et al., 2016) can have unintended consequences that increase feelings of fear and insecurity for the women who experience such violence. In her analysis of the policing response to domestic violence in the US, Cuomo demonstrates how mandatory arrest laws that require the arrest of domestic violence offenders regardless of victim consent operate within a logic of masculinist protection that not only stifles the agency of survivors but also effectively limits notions of security to state-centric protection. Cuomo illustrates how the inability to address victims' multiple and varying physical, financial and emotional security

needs can paradoxically result in decreased security and increased fear for those whom the arrest is meant to protect. Her application of a feminist geopolitical analytic to security situated at the scale of the intimate not only shows the limitations of arrest and incarceration in response to the problem of domestic violence in the US, it also connects the logic of masculinist protection to subsequent military domination across the globe. This analysis illustrates how seemingly local laws to address domestic violence interweave with geopolitical and geoeconomic discourses of securitization seen globally.

Brickell's (2015, 2016) work in geography on domestic violence law also offers insight into the blurring of the global/local through her focus on pluri-legal Cambodia. Brickell explores the meeting of transnational human rights law, state-sanctioned law, and customary (traditional/indigenous) law. Pluri-legal societies are defined by de Sousa Santos (2002: 89) as 'regulated by a plurality of legal orders, inter-related and socially distributed in the social field in different ways... Legal pluralism concerns the idea that more than one legal system operate in a single political unit'. In all, it took 11 years for Cambodia's first ever domestic violence law to be ratified in 2005 – a protracted gestation period at the hands of (mainly male) parliamentarians who feared its revolutionary potential and stripped it of penalty provisions. A primary focus among the Cambodian parliamentarians involved preserving 'the harmony within the households in line with the Nation's good custom and tradition'. In other words, they feared that arresting domestic violence offenders would negatively impact local gendered relations, including the potential to increase divorce rates. Consequently, Cambodia's civil 'Law on The Prevention of Domestic Violence and The Protection of Victims' contravenes Article 4 of the Declaration on the Elimination of Violence against Women that prescribes how 'States should condemn violence against

women and should not invoke any custom, tradition or religious consideration' (United Nations, 1993). In a rapidly globalizing country embracing market-driven capitalist growth, the timing of these governmental interventions and clarifications is not incidental. Against this macro-level backdrop, for example, local authority staff (both male and female) showed a strong moral preference for the reconciliation of domestic violence cases, even those in which victims experienced brutal physical violence and met the criteria for the Criminal Code to be evoked. The economic, political and social conditions under which state law is designed, ratified, and enacted cannot be understated in the feminist geolegal project.

Related to this point, Datta's (2012) research has explored the moral hegemony of the family and the rejection of state law by some Delhi slum dwellers who have experienced domestic violence. Much like in Cambodia, Datta explains how gender norms and identities strongly tied to women's care and responsibility for the family and its honour contributed to a situation in which law was deemed as a danger to domestic life. She writes, 'The insertion of law in the home struck at the heart of the "legitimate" location of women – if families broke down, it dislocated women from their "rightful places" in the home' (2012: 168). The research in Cambodia and India demonstrates the need to embrace legal pluralism in the legal geographies corpus is critical for women's experiences and encounters with law to be understood, particularly but not exclusively, in non-western contexts. Indeed, as Manji (1999: 435) wrote nearly 20 years ago with particular reference to the Global South, 'articulating a feminine view of the (legal) world requires an engagement with legal pluralism'.

While existing geolegal work does acknowledge the significance of legal pluralism in that it 'makes room for analyzing the ways in which space is constituted through multiple legal regimes' and is 'replaced, layered, and

reshuffled' over time (Jones, 2015: 691), this scholarship tends to narrowly focus on the complexities and obscurities of operational law related to military action. Feminist geolegality re-fashions this 'frame of law' (2015: 691) by emphasizing the remaking of international law in the vernacular (Engle Merry, 2006). Feminist geolegal analysis of the home, whether through the violences of forced eviction or domestic violence, therefore offers opportunities to explore the co-constitution of geopolitics and geoeconomics across multiple scales of legal intervention.

IV Conclusion

In this paper we have set out a case for feminist geolegality, a project that integrates the intellectual terrains of legal geography and feminist geopolitics. We drew on the established tools of feminist geopolitics, a subfield that emerged as a critique of the disembodied masculinism of geopolitics and critical geopolitics. Among its many strengths, feminist geopolitics disrupts and deconstructs spatial and scalar binaries (e.g. public/private, intimate/global). Feminist geolegality utilizes similar methodological tools to challenge dualistic binaries through grounded and embodied analyses of the co-constitution of law and space.

The paper also encompassed, but went beyond, the predominant focus of scholarship on international lawfare and military conflict. Writing in connection to the 'ever-evolving geoeconomic battlefield', Snukal and Gilbert (2015: 673) posit that 'more insight into the conflicting and convoluted geolegal space that is unfolding is necessary to better understand the ways that war is waged, and the ongoing violence that is perpetrated'. The paper used the body and home as heuristic sites through which to examine the range of intimate wars that law and its interlocutors mediate in the more mundane yet also 'ever-evolving' battlefields of everyday life. With its focus on the intersections between the intimate and global, feminist geolegality expands not only the scale of analysis

regarding the co-constitution of law, geopolitics and geoeconomics, but exposes the range of violences mediated through the law.

Moving forward, we do not suggest that the geolegal is the only framework for feminist legal geographic development. Rather, we argue a more sustained engagement with the epistemological tools of feminist thought – at all scales – would serve to augment the critical legal geographies project. Feminist geolegality follows the approach employed by feminist geographers who illustrate how power is enacted in everyday encounters and prioritize empowerment ‘or the struggle to reposition marginalized groups in the webs of power that organize life’ (Staeheli and Kofman, 2004: 7). However, we advocate feminist geolegality in this particular historic moment as a means to provide timely feminist critique in response to current geolegal events and trends in an era of Trumpism pervaded by traditionalism and fear. The attack on the rights of women and other marginalized people across the globe requires analytical tools that place power as a central question of inquiry. Feminist geolegality, we argue, offers one such analytical tool to explore the intimate geopolitics and geoeconomics of law and gendered socio-legal life.

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