International Law and Justice

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Abstract: Queer visions of international law and justice expose the legal regimes of the 'normal' that constitute these sites, and draw attention to how both the 'normal' and the 'perverse' figure in ideas about gender, sexuality, coloniality, and race. Queering international law and justice mechanisms also involves a commitment to lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) rights, problematising whether their absence from or inclusion within international law coheres with the aims of a transformative queer agenda. In this chapter, I examine how international law and justice can be queerly (re)imagined. The chapter first provides an overview of the kinds of queer perspectives activists and scholars have taken to law and justice, approaches that centre LGBTQIA+ rights and those that disturb the systems of power that uphold international law. It then explores the current state of theorising and scholarship in this area, focusing on three research agendas queering transitional justice, international criminal law, and security. It concludes with a discussion about the future of queer scholarship and activism on international law and justice, teasing out some of the tensions over the plural and contested goals that animate queer research.

Introduction

Queer visions of international law and justice expose the legal regimes of the 'normal' that constitute these sites, and draw attention to how both the 'normal' and the 'perverse' figure in ideas about gender, sexuality, coloniality, and race. The creation, implementation, and subjects of international law and justice gain meaning through these ideas, and especially through the dominance of cis-heteronormativity and Eurocentrism that underpin contemporary legal frameworks. Queering international law and justice mechanisms also involves a commitment to lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) rights, problematising whether their absence from or inclusion within international law coheres with the aims of a transformative queer agenda. Questions about which bodies are protected, violated, and excluded from international law and justice drive queer concerns about (re)producing these sites as the status quo for governing violence across the globe.

In this chapter, I examine how international law and justice can be queerly (re)imagined. I refer to queer, queering, and queerness throughout this chapter, terms which are plurally understood and often resist definition. I understand queer as anti-normative and disruptive. While queer work frequently centres gender and sexuality, queer can and should be defined beyond these axes of embodiment. Queer is a relational and intersectional identity, approach, and ontology that recognises how questions of race, coloniality, geography, and class, for example, are entangled with questions of gender and sexuality. To *queer* international law and justice means to 'revise them, bend them, scrutinize their silences and obliterations, and to make them speak differently' (Pereira 2019, 422). It entails critique and hope, questions I return to throughout this chapter. Read plurally, then, queer (re)imagines law otherwise.

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Queer approaches

As with queer scholarship investigating other sites of global governance, queer approaches to international law and justice are multiple and varied. I identify two queer perspectives that animate this field of research, broadly conceived: approaches that focus on LGBTQIA+ people as legal subjects, and approaches that challenge the normative systems of power that form the (violent) foundations of international law. These two perspectives are not easily disentangled and are often deployed together.

Queer legal subjectivities

Queer scholarship is frequently concerned with the presence/absence and (in)visibility of LGBTQIA+ people within mechanisms of international law and justice. This is because both the idea and practice of international law remains invested in cis-heteronormativity, i.e., the institutionalised privileging of cis-gender (those who identify with their gender assigned at birth) and straight bodies. The assumption that subjects before the law are straight, binary, and cis-gender means that '"other" genders/sexes are even more "relegated" or rendered invisible' (Zalewski 2018, 35). International law and justice, then, are forms of governance that frequently erase the existence and experiences of LGBTQIA+ people and others who express non-normative gender and sexual identities and practices, and in doing so, normalise trans- and homophobic violence (see Stoffel 2018). In academia, legal, and policy circles, queer experiences of violence are often overlooked because queer bodies 'fall outside the binary categories of women and men' (Daigle and Myrttinen 2018, 103), challenging the foundations upon which conflict resolution, law, and justice rest. The goal for queer scholars is to problematise the institutionalised erasure or obscuring of LGBTQIA+ perspectives within international law, as well as to examine how – if at all – international law can protect and advance queer rights.

There are a number of queer contributions that illuminate violence against, and the legal subjecthood of, LGBTQIA+ people in international law and justice. These offer important insights into how queer bodies are figured in international legal frameworks and governing practices. At the level of the United Nations Security Council (UNSC), for example, Tamsin Paige notes that 'there continues to be silence about the particular vulnerabilities of those in the LGBTIQA community who express non-stereotypical queer gender and sexual identities' (2018, 97). Queer research has also exposed the cis-heterosexism of internet censorship and governance, of queer rights and access to 'legal… health and community resources' stymied by state and non-state actors (Zalnieriute 2018, 67). At a domestic level, research has explored the politics of parenthood laws which exclude and/or include transgender people and queer kinship communities (Sørlie 2018). In sites of international

criminal law, queer scholars have probed the treatment of crimes committed against LGBTQIA+ people and their predominant invisibility within these sites (Suhr 2022). Moreover, in the realm of international human rights law, research has considered how reparations might be (and have been) expanded beyond heteronormative kinship arrangements (Gonzalez-Salzberg 2022). In the third part of this chapter, where I explore queer futures and goals, these approaches to queering international law and justice variously seek to situate queer bodies as legal subjects to be included within existing legal frameworks, or else problematise the cis-heteronormative relations of power that enable their exclusion in the first place. As I soon explore, queer approaches that seek inclusion within international law risk accepting the status quo of law and justice that has excluded LGBTQIA+ people as legal subjects in the first place.

Queering law as power

Other queer approaches to international law and justice can be broadly characterised as those that emphasise the deconstructive and anti-normative ethos of queer theorising, approaches that centre thinking and acting otherwise. This is a perspective that exposes the violent, gendered, and racist (re)production of international law. While this approach is not necessarily incompatible with an approach that traces queer legal subjectivities, a deconstructive, queer perspective is mainly concerned with exposing and dismantling the universalising, cis-heteronormative, Eurocentric, and racist power relations that constitute the international legal project (see for e.g., Kapur 2018a, 2018b; Rahman 2014; Rao 2018, 2020). Queer scholarship is therefore not only attentive to 'how sexuality works as a fundamental organising principle in international law' (Otto 2018, 6), but also how it 'remain[s] firmly anchored in militaristic, heteronormative, national imaginaries, in which other hierarchies of inequity are also securely sedimented' (Otto 2018, 250). In other words, queering law as power engages both critique and deconstruction. It involves identifying how international law and justice might be sites of violence that reify cis-heteronormative, racist, and other exclusionary hierarchies.

Queer perspectives that interrogate law as power see law as violence. International law's existence depends on violence and is itself a violent regime of governance (Hamzić 2018). International law and justice rely on and perpetuate a binary between law and violence, so that mechanisms of international law are seen to be diametrically opposed and therefore antithetical to violence. But international law is violent precisely because it governs populations according to cis-heteronormative, racist, neoliberal, and Eurocentric assumptions about order, legality, and criminality. In their analysis of artisanal and small-scale mining in Africa, Doris Buss and Blair Rutherford observe that 'law, and particularly the determination of who has law and who needs it, is a key mechanism through which hierarchical conceptions of order are racially and sexually inflected' (2018, 36). This means that for scholars seeking to queer international law's power, it is vital that they are attuned to the multiple axes of power through which certain bodies are protected, governed, criminalised, and erased in these juridical settings. Here, queering law as power involves a critique of these violent and violating logics. These approaches scrutinise how processes of law and justice make lives intelligible through ideas about what (or who) is 'normal' and what (and who) is 'perverse', frequently along gendered, sexualised, and racialised lines. But queering law as power also seeks to 'expand the boundaries of law's inclusionary gestures'

(Otto 2013, 90). This entails moving beyond a critique of law's violence to consider how queer lives can flourish within and beyond international law. For example, in the area of transitional justice (see detailed discussion below), Pascha Bueno-Hansen (2018) uses queer theorising to disrupt the binaries and logics that constitute transitional justice mechanisms *and* reveal how queer bodies are treated in these sites.

Queer perspectives that focus on queer legal subjectivities and those that queer law as power are therefore frequently approaches that work in tandem. But as I reveal in the final part of this chapter, for some, these two perspectives cannot be reconciled. Indeed, for some, the (im)possibility of engaging both kinds of queer approaches to international law and justice – those that seek queer inclusion, and those that seek queer deconstruction – represent one of the animating discussions of this field. As Otto (2018, 7, emphasis in original) asks: 'How can appeals be made to international… law to make precarious queer lives more liveable *without* legitimising the heteronormative imperial heritage of the normative framework of international law?' In the sections that follow, I explore how various queer research agendas have dealt with this tension and the kinds of insights developed about international law, justice, gender, and violence.

Queer research agendas

Queer scholarship on international law and justice is a relatively new, but growing and dynamic body of work within broader moves to queer human rights, politics, and global governance. Scholars contributing to this literature have set their sights on queering international human rights law (Duffy 2021; Kapur 2018a; McNeilly 2019; Morgan 2000; Simm 2020), neoliberal governance (Gross 2018; Zalnieriute 2018), migration and international refugee law (Fernandez 2018), and the gendered foundations of international law itself (Cossman 2002; Eichert 2022). In this section of the chapter, I offer a snapshot of queer literature on international law and justice, focusing on three different research agendas: queering transitional justice, queering international criminal law, and queering security and international law.

Queering transitional justice

Sites, mechanisms, and processes of transitional justice are a fruitful focus for queer research seeking to trace queer legal subjectivities and disrupt the cis-heteronormative logics of justice. Transitional justice consists of the various processes through which societies attempt to address past and ongoing legacies of conflict and violence. Examples of transitional justice mechanisms include truth commissions, reparations, people's tribunals, and remembrance and memorial practices. Queer transitional justice scholars have brought attention to the politics of the sexual and sexuality that animate various contemporary justice mechanisms (Fobear and Baines 2020). For Bueno-Hansen (2018, 131), 'the process of queering transitional justice begins with' questioning the cis-heteronormative, nationalist, and heteropatriarchal norms that transitional justice depends on and perpetuates.

Focusing on truth and reconciliation commissions, Katherine Fobear's research explores how violence committed against LGBTQIA+ people is represented in these sites but often in

superficial and problematic ways. Fobear points to the Peruvian Truth and Reconciliation Commission report, which addressed human rights violations committed by the Peruvian State and armed opposition groups between 1980 and 2000, during which time nearly 70,000 people were killed, with peasants and Indigenous communities particularly victimised. In the report, Fobear notes that the commission documented crimes committed by a rebel group against 'eight transvestites' (2014, 57). However, the report only dedicated two out of a total of 12 pages to violence committed against sexual and gender minorities (Fobear 2014, 58). This research problematises the ways in which violence against queer bodies, and queer legal subjecthood, is incidental to the larger focus on cis-hetero, male-female binary experiences of violence. Indeed, Fobear notes that in the case of the Peruvian Truth and Reconciliation Commission, the violence committed against sexual and gender minorities was stumbled upon by accident, rather than prioritised and meaningfully investigated by the truth commission (2014, 57). This example illustrates how underlying cis-heteronormative 'conceptions of truth and justice' (Fobear 2014, 58) work to preclude LGBTQIA+ people from these spaces. When queer voices and experiences are included, these transitional justice mechanisms often fail to address the broader trans- and homophobic violence that make crimes against sexual and gender minorities possible.

The question then becomes: can LGBTQIA+ people be meaningfully represented within and by transitional justice mechanisms, and can these spaces be sites for radical queer potential? This is a question that reflects the tensions of queer approaches to international law and justice and are questions that are not easily answered. But there are moments of hope and cautious optimism, of the possibility for transitional justice to include queer subjectivities in their accounts of war and conflict. For example, in relation to the conflict in Colombia, (see Chapter 17 in this collection), the International Center for Transitional justice (ICTJ) submitted a brief to the Colombian Constitutional Court, urging it to recognise 'the particular victimisation suffered by sexual minorities' and to 'guarantee[] that LGBT individuals are recognised fully as victims and beneficiaries of services and reparations' (ICTJ in Fobear 2014, 58; see also Maier 2020). Moreover, in 2020, the United Nations Special Rapporteur on truth, justice and reparation published a report on 'The gender perspective in transitional justice processes', emphasising the need to include 'women, girls and boys, lesbian, gay, bisexual and transgender persons and victims of sexual and gender-based violence' in transitional justice (United Nations General Assembly Doc A/75/174, para. 80). Within the Special Rapporteur's report, reference was also made to the promising work of the National Truth Commission of Brazil, a mechanism which investigated human rights violations committed by the military dictatorship from 1946 to 1988. A section of its report was dedicated to examining 'the ways in which the dictatorship's systematic and widespread violence affected the lesbian, gay, bisexual and transgender population' (Ibid, para 25). Questions of inclusion, then, are important ones, because even if they do not challenge the overarching norms and assumptions about law and justice, they can have real, positive effects for LGBTQIA+ people.

As a research agenda, queering transitional justice comprises queer approaches that trace the presences and absences of queer subjectivities *and* disturb the gendered, sexualised, racialised, and other relations of power that constitute and legitimate the work of transitional justice mechanisms. This is a growing area of research that has mainly focused on South and Central American transitional justice processes, but there remains

opportunities to queer transitional justice in at the global level and in (post-)conflict settings such as Northern Ireland, where the possibility of legacy and truth processes are pending (Lawther 2021); Bosnia, where people's courts and tribunals have been established (Simm 2018); and in settler-colonial states such as Australia, where the Victorian State Government announced the creation of a truth commission into the violent dispossession and genocide of Aboriginal people; the United States, which is yet to establish justice and truth-telling processes; and Canada, which has formed a truth commission into the human rights abuses of the Indian residential schools.

Queering international criminal law

Queer approaches to international criminal law represent a small but growing research agenda applying queer perspectives to international law and justice. International criminal law refers to those processes and mechanisms (such as international courts and tribunals) that prosecute individuals responsible for crimes of genocide, war crimes, crimes against humanity, and crimes of aggression. Most scholarship exposing the gendered dynamics of international criminal law and tracing the position of LGBTQIA+ people within this space are not explicitly queer projects. Instead, these contributions stem from critical feminist interrogations, although there are now some modest attempts to centre queer work in this space (see Axelson 2016; Biddolph 2020, 2021).

Critical feminist perspectives to these mechanisms seek to identify how queer legal subjectivities are present or absent, as well as aim to scrutinise and problematise the gendered, sexualised, and racialised systems of power that international criminal law perpetuates (see Santos de Carvalho 2022). Rosemary Grey's analysis of the Extraordinary Chambers in the Courts of Cambodia (ECCC) is an excellent example of critical feminist scholarship drawing attention to queer bodies in sites of international criminal law (see also Suhr 2022). The ECCC was a hybrid tribunal (a Cambodian and UN-assisted court) which investigated and prosecuted members of the Khmer Rouge responsible for war crimes, crimes against humanity, and genocide against the Cambodian people from 1975 to 1979. As well as following how the ECCC recognised 'the forced abstention of sexuality' and gender identity imposed by the Communist Party of Kampuchea in Cambodia (Grey 2019, 475), Grey also focuses on the case of Sou Sotheavy, a trans woman forced to live as a man and marry a cis-gender woman. Her analysis demonstrates the potential of international criminal justice mechanisms like the ECCC to recognise crimes beyond sexual violence against cis-men and cis-women. Importantly, in the ECCC, Sou Sotheavy finds a space through which her experiences of trauma can be heard (Elander 2018, 123). As Grey reveals, however, the ECCC's inclusion of trans- and non-normative gender and sexual identities and practices is not unproblematic. While the ECCC allowed for Sou Sotheavy's testimony to be heard, it failed to recognise the 'repression of gender identity or sexual orientation as a crime' (Grey 2019, 480). Furthermore, 'adding insult to injury, [the ECCC] oscillated between describing Sou Sotheavy as a woman and a man, indicating an inability to comprehend her gender identity' (2019, 480). This example indicates that international criminal law, even when it includes queer voices, relies on and (re)produces cis-heteronormative experiences of violence while marginalising queer legal subjectivities.

The findings from critical feminist approaches to international criminal law reinforce the need for queer work to expose the underlying violence and relations of power that constitute this realm of international law and justice. Queer perspectives locate and deconstruct the assemblages of gender, sexuality, race, and other analytical markers that narrate violence and construct legal subjects according to binaries of normal/perverse, victim/perpetrator, and legality/criminality. In my own work on the International Criminal Tribunal for the former Yugoslavia (ICTY), I use queer in ways that expose both the explicit and tacit discourses of gender, sexuality, and violence that constitute and are (re)produced by this mechanism. The ICTY was established by the UNSC to investigate and prosecute war crimes, crimes against humanity, and crimes of genocide committed during the 1990s conflicts in the former Yugoslavia. Queering the ICTY involves a commitment to deconstructing gendered and sexualised relations of power *as well as* the plural, messy, and often contradictory ways in which international criminal law is made meaningful (Biddolph 2021, 385). As with other tribunals and courts, the ICTY reinforced cis-heteronormative assumptions about bodies, so that the straight, binary, cis-gender legal subject remains the common sense, excluding queer bodies and experiences from its legal grammars. Queering the ICTY's violent and violating power also involves paying attention to the civilisational and racial hierarchies marshalled in its adjudicatory practices, of denouncing certain bodies as 'Balkan', hyper-heteromasculine, and perverse, others as feminised and infantilised, and those with juridical power (e.g., judges) as paternal, lawful interveners. If international criminal law perpetuates exclusionary logics that normalise the cis-hetero subject, condemn perpetrators along racist and pejorative lines, and cast victims as helpless and infantilised, then the integrity of international law itself must also be brought into question.

Queering security and international law

Another promising research agenda on international law and justice are those contributions queering governance at the nexus of security and international law. Currently, most research constituting this scholarship focuses on the UNSC as a site through which queer legal subjectivities are present/absent, and as a site through which law's power can be queered. There are other contributions beyond this focus on the UNSC (e.g., Buss and Rutherford 2018; Otto 2020), as well as research that queers the Women, Peace and Security agenda within the UNSC (Hagen 2016), but for the purpose of this chapter I focus on queer legal approaches to the UNSC.

Scholarship queering the UNSC begins from the premise that the UNSC is a site (and a multiply constituted) agent of international law. This is because as one of the preeminent bodies of the United Nations (UN), Member States grant it legal authority over matters of international peace and security. Queer approaches to the UNSC often uncover how UNSC resolutions and practices (mostly) conceal or (sometimes) amplify the experiences of LGBTQIA+ people. For example, Paige (2018, 108) argues that the UNSC uses 'almost exclusively heteronormative language' in its governing practices, including those that are legally binding. Cis-heteronormativity is reinstated as the common sense for questions of international law and security, so that when queer bodies and experiences are discussed, such rhetoric still reinforces gender binaries. This is evident in the UNSC's 2015 Arria-Formula meeting to discuss violence committed against LGBTQIA+ Iraqis and Syrians by the Islamic State in Iraq and Syria (ISIS). Queer experiences of violence were discussed in ways

that, as Vanja Hamzić argues, reinforced their victimhood, which erased 'other categories of personhood' (2018, 88-89). Furthermore, the discussions at the UNSC rendered queer lives instrumentally or '*temporarily* grievable, albeit only inasmuch as this designation could serve a "higher" legal and moral purpose', that is, the 'global war on ISIS' (Ibid., emphasis in original). So, what looked like a promising move by the UNSC to incorporate queer rights actually served to construct ISIS as the ultimate 'evil' to international law's ultimate 'good' (Hamzić 2018, 90), justifying the ongoing violent military interventions in Iraq and Syria (Kapur 2018a, 136). This episode indicates that any recognition of queer rights at/by the UNSC is a politicised instrumentalisation of queer legal subjectivities that can legitimate global militarism, racism, and cis-heterosexist violence, at the cost of 'de-radicalising' queer activism (Kapur 2018a, 135).

The insights developed by scholars queering security and international law – specifically at/by the UNSC – use queer in ways that both trace queer legal subjectivities *and* problematise the politics of their inclusion and/or erasure. At its most cutting, then, queer approaches to the UNSC recognise the ways in which it engages both juridical, martial, and discursive violence in service of maintaining and enforcing international peace and security (Hamzić 2018, 79; see also Kastner and Roy Trudel 2020; Paige 2018, 91). These queer perspectives deconstruct the 'who', 'what', 'how', and 'why' behind 'international peace and security', revealing that the UNSC's project for peace (for some populations) hinges on the death and violation of others. Such violence that manifests in security and international law is gendered, sexualised, and racialised, depending on, (re)producing, and instrumentalising certain bodies in service of the international legal project.

The insights and questions developed across all three research agendas – queering transitional justice, queering international criminal law, and queering security and international law – tell us something about the gendered politics of international law and justice. Each of them variously conceives of queer in ways that allow them to identify how (if at all) LGBTQIA+ bodies are included in these sites, and/or problematise both the explicit and tacit ways that power and violence constitute these contexts. I now turn to this question as a final remark on the potential and future of queer work on international law and justice. Can queer work retain its transformative possibilities when queer bodies are included in existing legal frameworks, or, as per Audre Lorde (2017), do we need to get rid of the master's tools altogether, if we are to dismantle the master's house?

Queer futures of international law and justice

In this final discussion of the chapter, I consider three broad aims that queer work on international law and justice seeks to achieve. I consider aims to work within existing international legal frameworks that seek inclusion of LGBTQIA+ rights. I also discuss what it might mean to accept the general terms of international law but expose its deficiencies. I problematise these approaches through considering the most radical queer aim, which entails rejecting and dismantling the premise of international law itself. Each of these perspectives are not necessarily incompatible, but the tensions and frictions between them raise questions about the future of queer research in this space, and the forms queer scholarship and activism will take. To speak of queer futures is to reclaim and recentre futurity and temporality in queer ways, to acknowledge and critique ongoing exclusions and

violences, but to also seek out queer utopias. José Esteban Muñoz writes that 'Queerness is essentially about the rejection of a here and now and an insistence on potentiality or concrete possibility for another world' (2019, 1). Queer futures of international law and justice are both hopeful and radical, deconstructive and reparative, dreaming and doing law otherwise (see Mazel 2022; Otto 2022).

An important part of queering international law and justice, as this chapter has shown, is a commitment to 'recover[ing]' queer bodies in law (Ghosh 2011, 70). For example, Valerie Suhr's (2022) exploration of how LGBTQIA+ people can be protected by international law at the International Criminal Court is an important indication of what it means for real lives and bodies to be recognised within law and justice. Examples from this chapter, such as the experiences of Sou Southavy at the ECCC, queer Iraqis and Syrians at the UNSC, and sexual and gender minorities in South American truth commissions, reveal the importance of seeking inclusion within existing international legal frameworks. While steps towards inclusion and greater representation are encouraging, these developments also bring with them their own concerns. Even those approaches seeking to 'fix' the cis-heteronormative logics of international law, to make space for more meaningful protection and advancement of queer rights, face questions around the (im)possibility of queer to work within this flawed system. In the context of international human rights law, Kapur (2018a, 131-32) aptly writes, 'what ever happened to queer radicality?' It seems, as the examples from this chapter have shown, that even when strides are made to include LGBTQIA+ people as legal subjects, such inclusion works within and upholds the cis-heteronormative, racist, neoliberal, and militarist logics of international law and justice.

The future of queering international law and justice is therefore thrown into question. How can queer scholars and activists reconcile these tensions between including queer legal subjectivities and problematising the relations of power that constitute law itself? A partial answer to this query is that queer – as plural, as contested, as paradoxical – can do both (Otto 2018, 256). In this way, there is no *one* queer approach, so part of what it means to challenge the inclusionary gestures that afford queer voices (some) space within international legal frameworks also includes a commitment to dismantling these same frameworks and finding answers outside of them, too. Queer means to let go of law (Baars 2017, 6), to 'abandon law's violence' (Hamzić 2018, 90), and to seek out international law's 'parallel universes' (Otto 2015, 135), or 'a life imagined beyond law' (Hamzić 2018, 81). It means to do these things alongside a continual strive to problematise how LGBTQIA+ people's inclusion within international law still coheres within the cis-heteronormative foundations of law and justice, at the same time as such recognition might offer life-changing and enriching value for those queer bodies subjected to violence. The task for queer scholars is not, then, to reconcile these tensions, but to work with(in) them, and to think of new, radical, and queer futures for and beyond international law and justice. Queer futures are visions of thinking and acting otherwise, and for scholars, activists, and practitioners of international law and justice, this means searching out and creating queerer, more inclusive, radical, and less-violent worlds.

Conclusion

Queer approaches to international law and justice are polysemic. There is rarely (if ever) a unified, agreed-upon understanding of what queer theorising is and ought to do, so this chapter is a paradox of sorts. In it, I have sought to loosely define a queer research agenda to international law and justice, even while maintaining the tensions and inconsistencies across queer approaches. These tensions are what animate the discussions across this chapter, particularly those that consider whether queer work can ever accept international law, knowing that it (re)produces cis-heteronormative and violent assumptions about the world and the bodies within it. From queering transitional justice, international criminal law, and security and international law, scholars have exposed how and why LGBTQIA+ people are included/excluded within these sites, as well as problematised the violence always already installed within and perpetuated by these legal mechanisms. These insights reveal that for some, it is enough to work with what we have, even if it is flawed and needs fixing. For others though, there is no queer future within a framework of international law and justice that is built on the exclusion of and violence over others. Such reflections about queering international law and justice ought not to discourage scholars and activists from this research agenda. Instead, there is much power and queer potential in inhabiting these tensions and exploring the plural ways that international law and justice can be (re)imagined and/or dismantled.

Discussion questions

1. What does it mean to queer international law as a system of power?
2. How can LGBTQIA+ people be included within legal frameworks that assume legal subjects are straight, binary, and cis-gender?
3. Identify a transitional justice, international criminal law, or international security mechanism and reflect on how gender, sexuality, and race are represented by them.
4. Do you think queer rights can be meaningfully protected and advanced through existing frameworks of international law and justice?
5. What might it look like to turn away from or dismantle international law and justice? What are some other ways through which queer rights and queer's transformative potential can be realised?

Suggestions for further reading

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