

## **Introduction to the Special Section: Feminism, Law and Citizenship – An International Collection**

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We offer here four papers from the 60-plus presented at the first *Feminism, Law and Citizenship* conference in Paris in [July 2022](#) (postponed from 2020). Participants attended from Europe, North, South and Central America, Africa and Australasia, and among them were citizens of all these places and of Asia too; who in this global world were now working elsewhere. They represented a range of constituencies: academics from law schools and other disciplines, practitioners, activists, politicians and postgraduate students. This mixture made for a happy and enlightening sharing of knowledge and ideas. The conference proved so popular that we organised another one on the same themes in Paris in [September 2024](#).

The decision to hold such an event in Paris was not coincidental. Women and gender studies are much less prominent in French academia than they are in the English-speaking world. Except for a couple of universities, they are awarded little institutional support, even if the number of graduate students and academics specialising in these issues keeps growing. Research and teaching positions rarely refer to women and gender studies explicitly, not to mention feminism, which is still widely perceived as unscientific, despite the breadth of knowledge developed by feminist theoreticians in France and internationally.

Such is the bigger picture across the disciplines, but feminist and gender approaches are even more strikingly absent from the legal field. Law in the French system is dominated by traditional conservative approaches which often denigrate critical legal studies. For example, there is only one significant research program in gender and law that received funding from the French national research agency (ANR): [REGINE](#) (*Recherche et Etudes sur le Genre et les Inégalités dans les Normes en Europe*), a program which celebrated its [tenth anniversary in November 2023](#) but continues to be a landmark. We were thus very keen to hold the conference in one of the

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leading law schools in France. It was symbolically located in the Université Paris-1 Panthéon-Sorbonne site near the Panthéon with its famous inscription 'To the great men, the grateful fatherland' ('*Aux grands hommes, la patrie reconnaissante*'), six months after Josephine Baker – performer, spy, and civil rights activist – became the first woman of colour to be interred in the French 'temple of the nation', one of the highest honours of the French Republic. The induction of a Black woman, born outside France, was described as heralding a new and more diverse era for the Panthéon, ensuring that the monument reflected a more diverse and inclusive history of the French Republic.<sup>1</sup> That the conference was held under the auspices of this historic *Panthéonisation* resonated with the three terms in its title: feminism, law and citizenship.

The papers here illustrate both the themes of the conference and the breadth of their treatment. This was an explicitly feminist conference, not one just about women and law. The focus on citizenship provided a lens through which to view past and continuing inequalities, discriminations and injustices facing women in terms of their ability to participate in public life, compete with men and enjoy legal capacity and physical autonomy. The framing of the conference followed in the footsteps of feminist approaches to citizenship, which notably called for bridging the public-private dichotomy and including care within citizenship obligations.<sup>2</sup> This partly explains the high number of conference paper submissions tackling reproductive rights and reproductive justice more generally.

Accordingly, citizenship in all its dimensions – social, political, economic, cultural, as well as legal – was dissected and compared across a wide range of settings and (through several papers on legal history) eras. If any single message emerged from the conference, it was that patriarchal control of women might vary in form across time and space, but the effect is much the same.

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<sup>1</sup> Laura O'Brien, "Josephine Baker: What it means to enter France's hallowed Panthéon", *The Conversation*, 30 November 2021. Available at <https://theconversation.com/josephine-baker-what-it-means-to-enter-frances-hallowed-pantheon-172680>.

<sup>2</sup> For a flavour of this feminist work, see for example: Ruth Lister, *What is Citizenship?* (Macmillan Education 1997); and (2012) "Citizenship and gender", in *The Wiley-Blackwell Companion to Political Sociology* (Wiley-Blackwell 2012) 372-382; Anne Phillips, *Democracy and Difference* (Penn State Press 1993); and "Feminism and republicanism: Is this a plausible alliance?" (2000) 8(2) *Journal of Political Philosophy* 279-293; Nira Yuval-Davis, "The citizenship debate: Women, ethnic processes and the state" (1991) 39(1) *Feminist Review* 58-68; "Women, citizenship and difference" (1997) 57(1) *Feminist Review* 4-27; and "Intersectionality, citizenship and contemporary politics of belonging" (2007) 10(4) *Critical Review of International Social and Political Philosophy* 561-574.

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Women in different societies and jurisdictions enjoy widely differing amounts of freedom but our freedom is never complete or guaranteed. Nor is it secure: witness the recent retrenchment on abortion rights in the US.<sup>3</sup> The sexes are not simply unequal; women are subordinated to, and consistently exploited and oppressed by, men. Women's enjoyment of their citizenship rights was also shown to be deeply asymmetrical and intersectional, with strong variations depending on class, race, etc.

Our plenary speakers addressed feminism in judging (Lady Hale, interviewed by Rosemary Hunter and Erika Rackley, a transcript of which appears in *feminists@law* Vol 11, No 2)<sup>4</sup> and reproductive rights (Diane Roman, Professor of Public Law at the Sorbonne Law School, former principal investigator of the REGINE program). Through an exploration of the familiar tale of French 'rights of man' history in particular, Professor Roman showed how women's participation in public life has always been inextricably linked to their reproductive freedom and men's desire to control it.

Alongside reproductive freedom (perhaps the strongest theme of the conference) and women's representation in public life and the legal profession, contributions examined historical and contemporary legal issues for women in family law, employment law, immigration law, and criminal law in the various regions represented.

Our collection here includes a paper that explores women's citizenship in the context of family law in the Middle East and North Africa. Valentine Moghadam (USA) sets her comparison of the recent history of family law in two Muslim states, Tunisia and Iran, in a wider analysis of feminist theorising on citizenship. She looks at the external and international factors that drove periods of 'state feminism' that were then followed by reversals, particularly in Iran, thus curtailing women's access not simply to legal (including reproductive) rights but to education, employment, and freedom of movement.

The prevalence of male violence against women and girls was another strong theme that emerged from the conference. Two of the papers here, those by Annick Gnazalé from Côte

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<sup>3</sup> See further, "Rapid response to Dobbs v Jackson Women's Health Organization" (2022) 11(2) *feminists@law*.

<sup>4</sup> "A conversation with Lady Hale about feminism, law and citizenship" (2022) 11(2) *feminists@law*.

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d'Ivoire and by Australian Holly Doel-Mackaway with Lachhindra Maharjan of the Habitat for Humanity International, Nepal, writing about Nepal, focus on the role played by men's violence in controlling women and, especially, girls. Annick Gnazalé's article about the silencing and trivializing of rape in the Côte d'Ivoire describes the legal treatment of and media responses to rape from 1960 to the present. She locates her empirical study in international theoretical approaches to rape and colonization, concluding that knowledge and discussion of rape have been silenced both institutionally and socially and the crime itself trivialized, with formally serious penalties but lenient enforcement. This study is valuable for shedding light on the legal processes of a relatively unknown region that yet has application across all jurisdictions – the almost universal difficulty of getting rape to be treated seriously.

Doel-Mackaway's research in Nepal was planned as a comparative project with a study of Pacific islands, designed to demonstrate that violence against girls is one of the most significant barriers to girls' citizenship and the realisation of their substantive equality. The unique feature of this research is that its methodology was based on the understanding that young people should be allowed to speak for themselves, that this is a human rights matter, and that only by enabling young people to participate not simply as objects but as co-designers of research, can we fully realise the problems facing young women growing up with violence and abuse, and work towards their solution. On the basis of interviews conducted with young people in Nepal, younger and older, male as well as female, Doel-Mackaway and Maharjan make a powerful argument for the inclusion of children and adolescents as agents and experts in their own lives, and vital contributors to the expansion of knowledge and understanding of the world.

Finally, British scholar Frances Hamilton focuses on the extent and limitations of European Union (EU) citizenship rights for lesbians and gay men. The EU is generally seen as positive towards sexual minorities, in contrast to many national regimes, and therefore as a force for progress in member states. As she shows, however, it remains bound by its economic origins and its inability to interfere in family law in the national context, which means that its democratic reach is limited when it comes to those who do not fit the heteronormative model approved by

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many member states. Nevertheless, she remains positive, setting out potential opportunities for future development.

We hope that these four papers give a flavour of the exciting breadth and international reach of the 2022 *Feminism, Law and Citizenship* conference in Paris, the range of methodologies employed and intersectional characteristics addressed, and the significance of these additions to our knowledge and understanding of women's legal position, offering potential for comparison and even, sadly, for generalisation across jurisdictions.