Queering International Law: Possibilities, Alliances, Complicities, Risks. Edited by Dianne Otto. New York: Routledge, 2018. Pp. xiv, 290. Index. $149.95.
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As announced by its title, this volume seeks to "queer international law." In the words of its editor, Dianne Otto, Francine V. McNiff Chair in Human Rights Law at the University of Melbourne Law School, the collection offers "a fundamental challenge to the usual way of framing international legal problems and crafting solutions" with an aim "to celebrate human sexuality and gender expression in all diversity and fluidity, beyond the dualistic confines of heterosexuality/homosexuality and male/female" (p. 1). As a highly regarded scholar, international lawyer, and activist in the areas of feminism and sexuality, Otto is ideally situated for staging such a field-defining intervention.

There is no other similar collection or monograph on the topic, apart from individual articles and book chapters. Queer theory emerged as an academic field in the 1990s. It has since become well-established not only in the study of sexuality but also as a method for investigating the role of sex and gender in the constitution and regulation of numerous social fields, yet its impact on international law has been relatively recent and relatively limited.[1] The volume edited by Otto grows out of a workshop with the same title held at the University of Melbourne Law School in 2015. For intellectual precursors, the book's introduction refers also to the American Society of International Law's first panel on "Queering International Law" at its 2007 annual meeting, and an international law panel at the Queer Legal Theory Workshop held at the School of Oriental and African Studies at the University of London in 2011.

Queering International Law is to be commended for making a collective effort to consider the implications of queer theory for international law. Following a short editorial introduction, the work is divided into four parts, each with three chapters. The respective titles of each part reflect the subtitle of the volume: "Complicities," "Possibilities," "Alliances," and "Risks," suggesting an open-endedness about the potential and limitations of a queer approach to law. Beyond the keywords "queer" and "international law," there is no overarching theme that ties together the book's wide-ranging chapters.

The absence of a single thread uniting all the contributions is not meant as a criticism of the work. Presenting a complete vision of "queer international law" would hardly be very queer, nor does the collection purport to offer anything like it. Befitting its subject matter, the volume is highly heterogeneous. The authors come from a range of geographic and disciplinary backgrounds at various levels of seniority, and their concerns range from sexual violence in war and rights of trans-parents to immigration and internet governance and beyond.

It is evidently not possible to do full justice to as broad-ranging a project as this one in a short review. To provide an overview of its contents, I will focus on the contributors' distinctive understandings of the term "queer" and the ways in which it functions in their analyses of international law. Given the limitations of space, I will do so with reference to most but not all chapters.

In the wake of the AIDS crisis, in the 1990s "queer" emerged as a radical challenge to assimilationist gay and lesbian politics. The term denoted an anti-normative sexual subject without a fixed referent, one seeking to destabilize not only the distinction between hetero and homo but also male and female more generally. From this perspective, the terms "queer" and "gay" are hardly synonymous; on the contrary, they imply antagonistic worldviews, radical and liberal, respectively. Starting from the axiom that the sexual is inseparable from the political, queer theory in this original sense offers itself as a tool for examining and questioning a range of social binaries and hierarchies, in self-conscious

[1] This is true of other social science related fields as well. Queer theory is a relative newcomer to international relations, for example. *See* CYNTHIA WEBER, QUEER INTERNATIONAL RELATIONS: SOVEREIGNTY, SEXUALITY, AND THE WILL TO KNOWLEDGE (2016).

opposition to gay and lesbian studies' search for liberal inclusion.

Otto's introduction, calling for "queer curiosity" as a mode of approaching international law, and her concluding chapter, "Resisting the Heteronormative Imaginary of the Nation-State," reflect a commitment to queer theory in its historically radical sense: an anti-normative method with potential implications for all aspects of international law, whether or not they are ostensibly related to gender or sexuality. In a similar vein, Doris Buss and Blair Rutherford's chapter on "Dangerous Desires" performs a queer analysis of the global governance of artisanal mining. It illuminates how regulatory authorities have turned small-scale miners in Nigeria, the Democratic Republic of Congo, and elsewhere in Africa, into queer figures—in effect, "mining 'outlaws'"—in contrast to formally regulated large-scale, capital-intensive mining enterprises. In an equally expansive frame, Nan Seuffert's chapter on "Queering International Law's Stories of Origin" analyzes the Salamanca theologian Francisco de Vitoria's justifications for Iberian imperialism in the New World, teasing out intriguing connections between Vitoria's understanding of the legal prohibition of sodomy and the duties of hospitality—both purportedly breached by Amerindians.

There is also an alternative usage of queer of more recent vintage, one that folds it into the more conventional gay and lesbian political frame, as suggested by the ever-expanding string of letters in the label "LGBTQ"-etc. In this understanding, queer theory is defined not so much by its method (with wide applicability) as by its (relatively restricted) subject matter, demarcated by the identities of those it studies—*viz.*, gays, lesbians, and other sexual minorities.[2] In a legal context, analyses of this type tend to be concerned with the expansion and enforcement of sexual rights and the legal recognition of sexual minorities more generally.

[2] I elaborate on this distinction in my analysis of China as a historically queer subject of international law. *See* Teemu Ruskola, *Raping Like a State*, 57 UCLA L. Rev. 1477, 1480–82 (2010).

Some of the contributions to the volume exemplify this more circumscribed approach. For instance, Anniken Sørlie's chapter on "(Trans)parenthood" offers a fascinating critique of Norwegian law, examining what happens when the state allows a person to choose his or her gender—albeit with only two choices—yet retains a gendered distinction between motherhood and fatherhood. As a result, "for a [transgendered] legal woman who begets a child with her own semen, legal parenthood is established based on the rules of paternity" (p. 184); she becomes, in effect, a female father. Sørlie objects to this legal regime as an incomplete realization of a person's right to individual autonomy. From a similar human rights frame, Monika Zalnieriute's chapter explores "The Anatomy of Neoliberal Internet Governance." Questioning a prominent narrative of the internet as a site of freedom, she argues instead that the oversight of the human rights of sexual minorities has been *de facto* privatized as technology companies have developed filtering and censorship technologies designed to protect children, most notably, from inappropriate content. As Zalnieriute laments, the worldwide web is the only modern communications medium that is not governed by a binding international treaty or overseen by an intergovernmental organization (p. 63). Sørlie eschews even the word "queer" in her analysis, and both she and Zalnieriute could be classified as champions of the rights of sexual minorities. Rather than looking beyond law, their conclusions suggest the need for more law—or better law, or the right kind of law.

To be sure, even a rough distinction between two kinds of queer theory—one defined by its method and another defined by its subject matter—is heuristic only. While it is possible to study minoritarian sexual subjects without employing a queer method, it is also possible to apply queer theory in its methodological sense to various sorts of sexual subjects (even relatively narrowly defined). The conclusions of such investigations are likely to yield more radical critiques. Ratna Kapur's incisive chapter on "The (Im)possibility of Queering International Human Rights Law" stands out as an example.

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It also happens to be one of the few in the collection that calls attention explicitly to the potential incompatibility of gay rights with queer politics. Her conclusion is emphatic: "queer engagement with human rights has taken the radicality out of queer, rather than resulting in the queering of international human rights" (p. 132). Vanja Hamzić's chapter on "International Law as Violence" focuses, like Kapur, on the inherent limitations of international law, and indeed its constitutive violence. Assessing the UN Security Council's historic condemnation in 2015 of the persecution of individuals on the basis of sexual orientation—namely, the execution of "LGBT Syrians and Iraqis" by ISIS—Hamzić cautions against viewing this as a victory for gay rights. Rather, he characterizes the Security Council's resolution as only a "temporary, contingent and informal 'recognition'" based on victimhood and in the service of other larger geopolitical goals (p. 90).

Aeyal Gross's chapter on "Homoglobalism," or the emergence of what he calls "Global Gay Governance," can be characterized as occupying a space somewhere between rights-based sexual politics and queer radicalism. On the one hand, Gross is highly skeptical about the dominance of Euro-American models of sexual subjectivity—the so-called Gay International, for short—in the emerging human rights regime on sexual orientation and gender identity. On the other hand, he is also mindful of significant advantages legal recognition can deliver to those who qualify. Accordingly, Gross proposes a cost-benefit analysis as a way of choosing between gay and queer strategies. (While it is difficult to argue against such a calculus in principle, the real difficulty is the impossibility of reducing the question to a mathematical form: many—perhaps most—of the benefits as well as costs do not lend themselves to quantification.)

As should already be evident, the wide range of ideological and methodological commitments of its authors and the diversity of subject matters they address are among the cardinal virtues of *Queering International Law*. Yet in the end, I find myself insisting on the fundamental question: *Can* international law be queered? Although the volume does not, and in the end cannot, provide a single answer, it would perhaps be worth more explicit methodological consideration. The two protagonists of international law—the sovereign state and the individual rights-bearing subject—are the essential building blocks of the modern liberal worldview. Queer theory, in stark contrast, grows out of poststructuralism and its celebration of the death of the subject. Is it possible, then, to imagine a queer international law, one whose queerness goes beyond embracing individual rights of "LGBTIQA" persons?

In her concluding chapter, Otto holds out for the possibility of an alternative to the contemporary rights-bearing subject, gesturing to forms of queer kinship that "offer emancipatory non-state-centred imaginaries of human connection and interdependence" (p. 239). Overall, however, the volume is not especially visionary, even though utopianism might be one thing that links queer theorists and international lawyers.[3] In this vein, are there untapped strains of queer theory that could provide further critical resources for queering international law? It is notable that insofar as the contributors to this volume employ queer theory as an explicitly methodological commitment—rather than a choice of sexual subject matter—they refer primarily to the foundational works of Judith Butler and Eve Kosofsky Sedgwick.[4] Yet queer theory today is a diverse field. Perhaps most notably, the more recent affective turn in queer studies is largely absent in *Queering International Law*, with the exception of Rahul Rao's invocation of Kleinian psychoanalysis in his analysis of the politics of reparation ("A Tale of Two Atonements").

Critiqued for its Eurocentrism, queer theory has lately sought to turn its gaze beyond the

[3] *Compare* José Esteban Muñoz, Cruising Utopia: The Then and There of Queer Futurity (2009), *with* Martti Koskenniemi, From Apology to Utopia: The Structure of International Legal Argument (2005).

[4] *See, e.g.*, Judith Butler, Bodies That Matter: On the Discursive Limits of "Sex" (1993); Eve Kosofsky Sedgwick, Epistemology of the Closet (1990).

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confines of the North Atlantic. Petrus Liu's *Queer Marxism in Two Chinas* (2015), for example, outlines an expressly "non-liberal queer theory" accompanied by "queer human rights." While many authors in the present volume are critical of the limitations of Euro-American models of sexual subjectivity, few draw on insights from Area Studies, even though they would seem a self-evident resource for cosmopolitan lawyers to turn to. The notable exception is Maria Elander's "In Spite: Testifying to Sexual and Gender-Based Violence During the Khmer Rouge Period," which investigates the story of a Cambodian woman whose identity is not captured by any initial of the "LGBT"-etc. formulation; rather, she refers to herself with the Khmer word for "third-gender people." Kapur too ends her chapter with a brief nod to the South Asian past, invoking a fourteenth century female mystic in Kashmir as a non-liberal subject who "represents a position outside the norm that does not exist in opposition to it, but thrives despite its presence" (p. 146).

More fundamentally, in whatever fashion the subject of human rights is being queered, "the human" itself remains essentially an unquestioned category in *Queering International Law*, apart from the need to recognize his/her/their queerness, sociality, and relationality. Especially in light of queer theory's non-humanist and anti-humanist genealogy, might a queer international law have something to say about the environment, for example? Or about humans' relationship with non-human animals?[5] In terms of attending to human embodiedness, queer theory's recent encounter with disability and trans studies might also yield insights about differently queer bodies and their political legibility and visibility in the arena of human rights, and elsewhere.[6]

Although many of the authors draw on early "classic" texts such as Butler and Sedgwick, there is one non-canonical, relatively recent work of queer theory that deservedly appears throughout the volume: Jasbir K. Puar's trailblazing *Terrorist Assemblages: Homonationalism in Queer Times* (2007).[7] Yet Puar is invoked almost exclusively for her important concept of homonationalism—a contemporary convergence of interests between (certain) queer subjects and Islamophobic nationalism. In contrast, the second key concept of her analysis, the Deleuzian idea of assemblage (*agencement*),[8] barely registers in the volume, even though it would seem ideally suited for a critique of the subject of human rights. (Apart from a single reference in the Buss and Rutherford essay, the term does not appear again until the last sentence of the entire collection.) This, too, suggests that critiques of the state come easier than critiques of the subject, even to international lawyers bent on queering their discipline.

In sum, *Queering International Law* is a provocative volume that lays the groundwork for a range of theoretical futures. Rather than prescribing a single direction, it opens multiple pathways. Moreover, it could hardly be timelier. The sexual contract that underwrites the constitution of liberal-democratic polities is being rewritten across the Global North, as the tide of same-sex marriage keeps rising. "Gayfriendliness" is an increasingly important criterion of fitness for sovereignty, as Puar has argued so persuasively. In the contemporary moment, queer people no doubt need rights, but as gay rights become incorporated into a contemporary civilizing mission, queering international law remains a deeply urgent task.

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[5] Here, works such as MEL Y. CHEN, ANIMACIES: BIOPOLITICS, RACIAL MATTERING, AND QUEER AFFECT (2012) might provide further avenues worth exploring.

[6] *See, e.g.*, ROBERT MCRUER, CRIP THEORY: CULTURAL SIGNS OF QUEERNESS AND DISABILITY (2006).

[7] Puar's new book will no doubt prove similarly useful for queer theorizing about international law. *See* JASBIR K. PUAR, THE RIGHT TO MAIM: DEBILITY, CAPACITY, DISABILITY (2017).

[8] A somewhat awkward translation of the French term *agencement*, "assemblage" in Deleuze's usage refers to the play of agency arising from relations of force that interact with each other. *See generally* GILLES DELEUZE & FÉLIX GUATTARI, A THOUSAND PLATEAUS: CAPITALISM AND SCHIZOPHRENIA (1987).

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