

Response to The Feminist Expansion of Torture: Towards a Post-Liberal International Human Rights Law

by Dylan Penza

In anticipation of the Cornell International Law Journal's 2018 Symposium, *Transnational Legal Feminisms: Challenges and Opportunities*, I read an article written by Natalie Davidson's forthcoming article entitled *The Feminist Expansion of Torture: Towards a Post-Liberal International Human Rights Law*.

The article's author looks at one instance of how feminist leaders have engaged with and affected international legal ideology and policy, which in this case is the inclusion of domestic violence into the definition of both torture and cruel, inhuman and degrading treatment within international human rights law. She then uses this instance as a means of critiquing international human rights law, and more specifically the liberal ideology that serves as a foundation for it. She also uses this instance of feminist engagement as a means of showing how international human rights discourse could be moved toward a future that is outside of the liberal realm.

One of the strongest aspects of Professor Davison's piece is that she clearly defines terminology early in the piece, as opposed to "hiding the ball" from the reader. For example, in the introduction, she pinpoints exactly which critiques of international human rights law, and its liberal ideology, she will engage with throughout the article, which she names the "critique of justification" and the "critique of representation." Also, in Part I (A) of the piece, she devotes an early paragraph to explaining the concept of "power feminism" and its importance as a dominant approach for feminist groups.

By identifying and defining these aspects of her argument at an early part of the piece, Davidson is able to successfully narrow the focus of her reader, wherein the hands of a less skillful author, broad topics such as feminist legal approach and liberal ideology could bog down and confuse readers. Moreover, once these topics become important later in the piece, the reader has an introductory understanding of the concepts that helps with understanding more nuanced aspects. For example, in her introduction, when discussing the critique of "bad-faith argumentation," Professor Davison could have simply said that it was one aspect of "critique of justification"; however, by also delving into how bad faith affects persuasiveness of arguments, and as a result putting that into the reader's mind as they continue in the piece, she prepares the reader to understand how bad faith argumentation played a part in the persuasiveness of arguments for adoption of domestic violence as torture.

Another aspect of the piece that I felt was strong was Davidson's constructivist approach to analyzing the critiques of a liberal-based international human rights law. While another author could have simply explored how this adoption exemplified the flaws of liberal ideology, Davidson makes a point to show how these flaws point towards progressive reform in the future. Moreover, she makes the point that these flawed methodologies can create progress themselves, as opposed to just only focusing on her ideas and concepts. In the section concerning bad faith, she makes a point to show that this argumentation was convincing due to the outrage it created, and not that said outrage was a flaw.

In conclusion, Davidson's skillful writing and intricate discussion of her topics make this article an engaging, fascinating, and intellectually stimulating piece of legal scholarship. Moreover, it will likely be the subject of an interesting and thought-provoking conversation during the symposium.