UNIVERSITÉ PARIS 1
PANTHÉON SORBONNE

CONGRÈS ORGANISÉ PAR / CONGRESS ORGANISED BY:

Alexandrine Guyard-Nedelec, *maîtresse de conférences / Senior Lecturer Université Paris 1 Panthéon-Sorbonne*

Rosemary Auchmuty, *professeure de droit / Professor of Law University of Reading, UK*

INSTITUT DES SCIENCES JURIDIQUE & PHILOSOPHIQUE DE LA SORBONNE - UMR 8103 · RCSL · Sage · UNIVERSITÉ PARIS 1 PANTHÉON SORBONNE DÉPARTEMENT DES LANGUES · University of Reading

Résumés (ateliers)
Abstracts (parallel sessions)

MARDI 12 JUILLET / TUESDAY 12 JULY

ATELIERS / PARALLEL SESSIONS

MARDI 12 JUILLET / TUESDAY 12 JULY

4A. Politiques pénales — Salle 6

Présidence de séance/Chair
Marie Garrau, Université Paris 1 Panthéon-Sorbonne

Ariane Amado, Université libre de Bruxelles, BL et **Olivia Nederlandt,** Université St Louis Bruxelles, BL

« Traitement des femme détenues saisi par le genre en prison : une approche comparée en droit belge et français »

Au niveau mondial, les femmes et filles représentent 6,9% de la population globale détenue en prison (sans compter les femmes transgenres souvent non prises en compte dans les statistiques officielles des organisations internationales ou administrations publiques). Cette proportion ayant augmenté depuis les années 2000 de 40% au niveau mondial, cette croissance apparait plus importante que chez les hommes. Il existe toutefois de grandes variations entre États. En Belgique, les femmes représentent environ 4% de la population pénitentiaire : le 8 octobre 2021, il y avait 480 femmes incarcérées sur une population carcérale de 10.472 personnes cinq enfants de moins de trois ans. En France, les femmes sont 2.057 pour une population générale de 62.673 personnes écrouées en date du 1er janvier 2021 ce qui équivaut à 3% avec une quarantaine d'enfants de moins de 18 mois. La composante dominante d'hommes au sein de la population carcérale s'explique notamment par le filtre genré opéré par la justice pénale. Parallèlement, la chaine pénale semble conduire une certaine sélection sociale dès l'arrestation des personnes qui explique que l'incarcération touche principalement des hommes issus des milieux défavorisés. Ce taux massif d'hommes incarcérés entraîne une invisibilisation des femmes en prison et de la recherche qui peut être conduite sur ce public en France et en Belgique (a contrario, pointons une littérature importante dans le monde anglo-saxon sur le sujet dès les années 1960-80). L'accès au droit des personnes détenues interroge directement leur statut de citoyen en capacité de jouir pleinement de leurs libertés fondamentales. C'est pourquoi, dans une perspective intersectionnelle du droit, ces différences de traitement entre les hommes et les femmes incarcérées porte directement atteinte à leur citoyenneté. Depuis environ une décennie, force est de constater un intérêt croissant de la part des chercheur·es, des associations et des organes de contrôle qui mettent en lumière un certain nombre de différences de traitement avec les hommes incarcérés. Ces constats ont conduit à un dynamisme régulateur axé sur les questions de sexe au niveau européen et international. La dimension « genre » reste en revanche peu, voire pas abordée dans ces instruments. En outre, le développement d'une normativité pénitentiaire prenant en compte d'éventuelles discriminations à l'égard des femmes ne se retrouve que très partiellement à l'échelle des droits internes en Belgique et en France. Cette actualité nous invite, en tant que chercheur·es, à exposer cette prise de conscience interne et internationale (1) pour confronter par la suite les normes internationales, européennes, belges et françaises à six aspects de la détention des femmes, révélateurs des différences de traitement dont elles peuvent être victimes (2). Nous utiliserons dans cette contribution le prisme de l'intersectionnalité et des études de genre pour analyser les normes précédemment exposées en montrant que celles-ci consacrent, dans une large mesure, une approche essentialisante, hétéronormée et en proie à un contrôle social sur les maternités et les femmes détenues tout en invisibilisant la diversité de genre.

Margot Giacinti, ENS de Lyon, FR
et **Vanina Mozziconacci,** Université Paul Valéry, FR

« Quand “il n’y a pas mort d’homme” : sécurité, sûreté et citoyenneté des femmes face au féminicide »

L'article 2 de la Déclaration des droits de la femme et de la citoyenne de 1791 (DDFC), repris de la Déclaration des droits de l'homme et du citoyen de 1789, fait de la « sûreté » l'un des « droits naturels et imprescriptibles » des êtres humains, dont la conservation est « le but de toute association politique ». À la toute fin de la DDFC, Olympe de Gouges relate une expérience de violences dont elle a été victime, et formule à cette occasion une critique ambivalente. Elle souligne que le sort des femmes n'est pas pris en compte dans l'universel révolutionnaire mais regrette également une forme de paternalisme monarchique de l'Ancien régime qui laissait place à un certain « différentialisme » plus favorable aux femmes quand leur sûreté était menacée. Elle s'inscrit à cet égard dans une problématique classique du féminisme, entre « égalité » et « différence » (Scott 1998, Pateman 1989), en interrogeant la citoyenneté dans son lien avec la sûreté et la sécurité (Hobbes 1651). De façon analogue et pour le contexte contemporain, la question des liens entre sûreté et citoyenneté se pose à nouveaux frais à l'endroit du féminicide (meurtre d'une femme parce qu'elle est une femme [Russell et Radford 1992]). En effet, l'inclusion du terme « féminicide » dans le code pénal ne serait-il pas une façon pour l'État de prendre en considération la position de vulnérabilité structurelle des femmes, garantissant ainsi leur sûreté, condition nécessaire à l'exercice de leur citoyenneté ? Toutefois, une telle entreprise fait courir le risque d'une essentialisation/naturalisation de cette vulnérabilité (Mathieu 1991, Garrau 2018), voire d'une infantilisation des femmes [Delphy 1995] entérinée dans un droit qui prendrait par exemple modèle sur le préambule de la Déclaration des droits de l'enfant de 1959 qui avance que « l'enfant doit bénéficier d'une protection spéciale ». Par ailleurs, elle pourrait alimenter des logiques sécuritaires et réactionnaires entravant ou entamant les acquis sociaux comme les visées émancipatrices défendus par les féministes.

Tamara Boussac, Université Paris 1 Panthéon-Sorbonne

« Femmes noires, naissances hors mariage et pénalisation de la fraude sociale à New York (années 1950-60) »

Cette communication retrace l'origine de la pénalisation de la fraude sociale aux Etats-Unis à partir du cas new-yorkais. A une époque où les femmes noires, censément bénéficiaires d'allocations d'assistance sociale et mères de nombreux enfants hors mariage, sont de plus en plus désignées comme de « mauvaises pauvres » dans les discours publics, les pouvoirs publics s'efforcent de sortir la fraude sociale du cadre purement administratif pour la définir comme une infraction pénale.

4B. Politics — Salle 2

Présidence de séance/Chair
Rosemary Auchmuty, University of Reading

Malgorzata Fuszara and **Jacek Kurczewski,** University of Warsaw, PL
"Quality and forms of female political representation in post-Communist Poland"

The authors basing upon the direct participatory observation as well as on the numerous field investigations and the other available research data present the models of women participation in the official and unofficial politics in contemporary Poland. As to the first, the introduction of the first gender quota on the electoral lists – minimum 35% for each - in 2011 under the pressure of the organised women's movement not only increased numerically the female representation but also enlivened the debate on the reasons and forms of gender representation as such. The change in the official politics may seem small in numbers – from 21% in 2010 to 29% in 2019 - though of 4 PMs since 2011 two had been female, while in 1989-2010 out of 13 PMs only one was woman . At the local government level the share of female counselors had risen up to 27,6% in the communes. On the other hand, in the informal politics the mass entrance of women had been dramatically marked by the female "black umbrella" protests in 2016 that prevented the legislating of further limitations on access to abortion, but prevented only for a while. In 2021 Constitutional Tribunal almost eliminated right to abortion. This resulted in mass protests again, organized mainly by women not only in big cities but in countryside as well. While in the formal civil society NGOs the rule was at the beginning of 21st century mostly in male hands, the informal movements for and against abortion, for independence of judiciary and other that spread since then across the country seemingly led to the dominant female leadership. Authors pose the question as to the qualitative effects of the above developments in Polish public life.

Esra Kazanbas, University of Toronto, CA
"Global rise of right-wing authoritarian populism and gender backlash in Turkey: a feminist legal perspective"

This research paper focuses on the correlation between violence against women and the rise of authoritarian populism from a feminist legal perspective. Recent literature shows growing concerns on the rise of right-wing authoritarian populism and its correlation to gender backsliding. Antifeminist misogyny and toxic masculinity are one of the ways where this rise is anchored and, in many places, motivated by (Graff, 2019, p.541). Soaring numbers of violence against women in Turkey by 400% according to official numbers of the government by 1,400% according to NGO reports in the last two decades reveal the alarming rise of violence against women. The complex and powerful relationship between gender and the rise of the global right in general and, how the rise of authoritarian populism has been spurring gender-based violence, in particular, is yet to be studied (Graff, 2019, p.541). Although, there is an abundance of grassroot activism and social movements fighting to eliminate violence against women, there are very few studies examining this problem named as an epidemic by many scholars. Literature review on the topic shows that there is a

deficit in current research that addresses the relationship between authoritarian populism and gender politics, in this case increase of violence against women. Kandiyoti (2016) argues that violence against women in Turkey generally "blamed on an ill-defined notion of patriarchy, implicitly understood as a deeply ingrained pattern of culture" or as some policy makers call "a social disease" (103). This characterization while pathologizing the offenders fails to address the systemic and institutional underlying reasons of this phenomenon and its link to governance (Kandiyoti 2016, 104). Lack of research combining these two, namely, the location of gender in the Turkish politics, begs for a comprehensive analysis and research of changing political atmosphere and its impact on violence against women. Grewal (2020) argues that "gender and sexuality – articulated with race, class, caste, religion and other local social divisions – are central to producing authoritarian power on the interrelated scales of family and nation" (182). Hence, this paper provides a discussion of the ways in which gender is located in the current political climate of Turkey and how law is being instrumentalized gradually as an apparatus for the authoritarian state to maintain its perpetuity.

Mauro Cristeche, CONICET, National University of La Plata, AR **"Feminism, political demands and socioeconomic rights in Argentina"**

The statements that the Argentinian feminist movement elaborates every March 8th, within the framework of the Global Women's Strike, somehow express a political program. Debated and agreed upon by dozens of organizations and thousands of feminists organized in assemblies throughout the country, they include many demands: from urgent claims linked to violence against women and sexual and reproductive rights, to rejections of capitalism and neoliberal governments. This paper analyzes the content of these statements since the First Global Women's Strike in 2017. It particularly focuses on the demands related to socio-economic rights and their discursive strategies toward the Government, and the expansion of the Feminist agenda through the years. It also explores the political tensions within the Argentinian feminist movement, mainly those resulting from their positions vis-à-vis the dominant political sectors and some ongoing conflicts. The main goal is to better understand the approach to socio-economic rights, the political proposes, and the transformative potential that the feminist movement expresses through their demands and their place in the current struggles of the Argentinian working class.

Valéria Paes Landim, University of Brasilia, BR
"Democracy and female participation in politics: an overview of the Brazilian case"

Female presence in politics has been undergoing progressive changes. Two decades ago, the patriarchal system characteristic of most political parties did not allow women to mobilize for access. This reality still persists in several countries. However, there is a strong movement of women to transform this reality. In most cases participation through gender quotas has been one of the facilitators of access. But in most countries out of 190 assessed by the Interparliamentary Union, that number is still low, especially if the percentage granted to women is also small. Thus, noting the difficulties of women's access to politics in a global assessment, gender equality is the immediate response that is required for the effective increase, within 10 years for the real equality of women's presence in power. Thus, the work aims to make an analysis of the female presence in the Legislative and Executive Powers. It seeks to identify the challenges and obstacles to access and presence of these women. It will analyze the context of a particular country, Brazil, presenting the situation of women in Brazilian politics, current laws, the relationship between the social moment, democracy, the presence of women in parliament, problems and the importance of gender equality as a transformative and impacting agent in countries. Finally, the article will make a constitutional analysis of gender equality as a fundamental right, so that it can prove that only by respecting the rights of men and women equally in a society, will real changes in society and improvements in democracies happen.

4C. Structural vulnerability — Salle 214

Présidence de séance/Chair
Rosemary Hunter, University of Kent

Aleisha Ebrahimi, University College London, UK
"Structural economic violence: the gendered implications of the private and public sphere divide"

Poverty restricts an individual's overall potential due to limits placed on: access to education; the labour force; and the constrained means to ameliorate living standards. Globally, women disproportionately live in poverty. Equalising living standards and opportunities with men is often untenable, on financial, cultural and personal levels. The cost of being a woman is reflected in: prejudices enforced by mainstream media; devalued and unpaid labour expectations; property and inheritance exclusion; and lack of meaningful engagement with civic life. The expectation that women will raise children, usually alone, compounds the dynamic as such work is undervalued and unpaid. An added layer of complexity is the cultural entrenched notion of dependency. Women, including those in the Middle East and North Africa (MENA), are routinely financially dependent on fathers, then husbands upon marriage. Children that women raise, accompany her as financial dependents. The result is an orbit of dependents around the nucleus sole-income earner: the male head of household. The paper argues that gender inequality inherent in economic standing, and the contagion effect with respect to human rights, amounts to economic violence against women. The present context in the MENA region gives rise to a circular system of devaluation and dependency, rendering women perpetual dependents, notwithstanding labour law and gender equality law provisions. Using Tunisia's recent law reforms to achieve gender equality as a case study, Tunisia's legal system and cultural landscape are critically analysed within the context of the pioneering laws to achieve genuine gender equality, which must include economic equality. For legislation to sincerely equalise the socio-economic standing of both genders, the roots which give rise to gender-based poverty need to be addressed. The research proposes means by which to achieve compliance with the novel domestic legislation within a larger framework of relevant international human rights law provisions.

Silvia Soriano Moreno, University of Extremadura, ES
"Discrimination against women in rural areas: results and methodology"

The rural element as a factor of discrimination has not been widely addressed by legal studies in Europe. The population of rural areas is in a disadvantageous situation compared to the population of urban areas, especially in relation to access to public services that guarantee the effectiveness of their fundamental rights. If we add to this the condition of being a woman, the situation of discrimination is aggravated since both elements of discrimination intersect. Extremadura is a rural and sparsely populated region in Spain, and in this context the research project "Gender equality in the rural and municipal environment of Extremadura: diagnosis and proposals" has been developed. In this study we have been able to use methodologies of the sociology of law. The data has been obtained from qualitative tools such as surveys and qualitative tools, such as focus groups and interviews. The study addresses different thematic lines related to rights and access to public services and has allowed us to obtain empirical data that in order to diagnose the situation of discrimination of women in rural areas. In Spain, important legislation on gender equality has been developed for years. Its implementation has been irregular throughout the territory, but if we do

not take into account the difficulties of its implementation in rural areas, inequalities cannot be overcome. On the other hand, both Spain and the European Union have addressed the problem of depopulation in recent years. If the gender perspective is not applied to these policies and the specific needs of women are addressed, they are policies with little chance of success. The objective of this participation would be to be able to present the results of the investigation, as well as delve into the territory as an element of discrimination that intersects with gender.

Janaína Dantas Germano Gomes, University of São Paulo, BR **"Vulnerability, law and the judicial withdrawal of children from poor women"**

In Brazil, the protection of women in social vulnerability and their babies is at risk from several perspectives. Health, Social Assistance and Judiciary agencies have built work routines that understand that vulnerable women - specially homeless or living in precarious housing who use (or do not use) drugs - don't have the necessary conditions to exercise motherhood, which can lead to the permanent separation. This phenomenon attached to crack has been described in many countries and occurs stigmatizing mothers and their babies, giving rise to separation and labeling these children as "crack babies". Brazilian legislation protects the family unity, but empirical studies indicate that legislation is interpreted in such a way as to "protect" the child is understood as the need to separate children from a mother and family who supposedly offer risk to them, when risk means actually poverty and vulnerability and some use of drugs. This paper aims to report my current Phd research in University of São Paulo in which I analyze civil procedures that are called "family destitution" and that bring information to judges in order to decide whether women should keep their children with them, specially by psychological and social assistance reports. The procedures show some patterns of state intervention, and that women have been separated from their children in cases that they haven't performed any kind of damage or violence to their kids, which is the only legal possibility for separation. Anticipating some of my conclusions, that I intend to present, the due process in mostly ignored and the courts work in these cases, instead of a guardian of rights, as violators of women and mothers' rights separating families, in the name of "giving a better chance to the babies". Family and reproductive rights are violated by courts and states in this action.

Yashasvi Singh and **Muskan Pipania,** Trinity College Dublin, IR **"Analysing the ineffectiveness of international law against FGM"**

As we hold history as our witness at some point or the other every country has practised Female circumcision, under the pretext of tradition, religion, custom, cultural beliefs and in certain cases to fit the mould of a perfect wife or pure woman. International law certainly did realise the need to address this issue and introduced the term, 'Female Genital Mutilation' to highlight the brutality and gravity of this practice. Considering the measures, recommendations and specific committees which have been birthed under International law these practices still continue today at such a stage that Women and girls seek asylum and refuge due to the fear of persecution. Approaching the issues of FGM in the international law arena is a broad concept, while this paper will focus on and highlight the issues faced by Refugee and Asylum seeking women and girls who fear undergoing this practice themselves or their children. Considering cases under this notion, legal bodies have led their patriarchal conditioned logic in form of final judgments unfavourable to such women. International law projects perfectionism syndrome through its unrealistic standards of being a model law lacking practicality and implementation and stands ineffective in the middle of the warzone of such gruesome practises against women. It will explore the FGM issue under the feminist legal theory in contrast with how female circumcision is justified in comparison to the Circumcision of Jewish men. The need to identify how the International law stands ineffective and national legislations thrive on their patriarchal traditions that take it into their hands to make women pure for the superior male gender. Summarising how International law is a mere spectator to women and girls fighting their way away from this practice through the refuge and asylum and Exploring how International law can become a feminist and an ally to women, specifically in the context of FGM.

5A. Citoyenneté — Salle 214

Présidence de séance/Chair
Anne Légier, Université Paris Cité

Élodie Tuaillon-Hibon, Université Paris 1 Panthéon-Sorbonne, FR
« La citoyenneté en France à l'épreuve des violences de genre »

Dans un pays où l'on codifie encore en partie les droits fondamentaux liés à la citoyenneté dans " la Déclaration des droits de l'homme et du citoyen" qui excluait très largement les femmes, que nos mairies et nos tribunaux proclament "Liberté Égalité Fraternité", alors que plusieurs dizaines de femmes meurent chaque année de la main de leur concitoyen généralement compagnon ou ex., les tribunaux rechignent souvent à déchoir les violents conjugaux ou sexuels de leurs droits de citoyen, et notre Etat propose encore aux femmes étrangères que le mariage soit un mode d'acquisition de la nationalité, élément essentiel de la citoyenneté. Pire encore, les accusations et même les condamnations des élus pour violences de genre (violences sexuelles sur leurs administrées ou salariées, ou violences conjugales) semblent n'avoir aucun impact ni sur les droits civiques eux-mêmes ni sur la représentation que le corps électoral se fait du politique. Ce qui interroge: la citoyenneté en France a-t-elle finalement toujours le même genre? Les femmes disposent-elles du même genre de citoyenneté que les hommes ?

Oona Le Meur, Université libre de Bruxelles/Science Po Paris, BL/FR
« Le changement de sexe à l'état civil coutumier : droit coutumier et droits fondamentaux dans le raisonnement des juges (Nouvelle-Calédonie) »

Les juridictions coutumières en Nouvelle-Calédonie sont un héritage colonial, réinterprété dans le cadre de politiques de décolonisation négociées qui ont contribué à maintenir un statut juridique (et donc un état civil) coutumier distinct pour les Kanak. Elles sont compétentes pour toute la matière civile et sont composées d'un magistrat de droit civil et d'assesseurs coutumiers. Elles doivent prendre leur décision en collégialité, selon les principes de la coutume, et non pas du Code civil. Les citoyens de statut coutumier sont donc soumis à un régime juridique différent, répondant à l'idéal « pluralisme juridique équilibré ». Par conséquent, l'acte de juger peut être perçu comme politique, dans la mesure où l'existence même des juridictions coutumières relève d'une volonté politique de l'État français, de reconnaître une souveraineté interne aux Kanak. Mes recherches contribuent à montrer qu'il n'est pas évident pour les professionnels du droit de ces juridictions d'articuler droit coutumier et droits fondamentaux, en l'absence de textes législatifs clairs sur la question. Ceci est particulièrement préoccupant dans le cadre des violences intrafamiliales, et plus particulièrement les violences conjugales. À l'inverse, un cas d'étude portant sur deux affaires de demande de changement de sexe à l'état civil coutumier (2015 et 2017) permet de montrer comment les juridictions coutumières peuvent se saisir des droits fondamentaux dans certains cas. Le cas illustre comment ces institutions négocient leur autonomie au sein de ce cadre étatique et de sa pyramide des normes, cas après cas. L'articulation entre droit coutumier et droits fondamentaux qu'elles produisent est un reflet de la conception du genre et de la citoyenneté dans une nation plurielle, encore en construction.

Camila Silva Nicácio, Université Fédérale du Minas Gerais, BR

« L'autorité parentale et la criminalisation des religions au Brésil : la liberté religieuse au carrefour de l'âge, de la race et du genre »

La Constitution fédérale de 1988 a apporté de nouveaux droits, acteurs et procédures sur la scène juridique brésilienne. Parmi ces acteurs, les enfants et les adolescents ont été désormais considérés comme des sujets de droits à part entière - une innovation par rapport à la législation précédente. En ce qui concerne en particulier la relation entre la liberté de religion (également garantie à ces nouveaux sujets de droits) et l'autorité parentale, certaines affaires récentes montrent que le marqueur de l'âge croise les marqueurs de la race, du genre et de la religion, conduisant à des résultats qui semblent mettre en tension différents cadres juridiques et moraux dans les décisions judiciaires. À partir d'une approche intersectionnelle, et en m'appuyant sur l'analyse d'une décision de justice et des cas publiés dans la presse écrite, je cherche à identifier et à comprendre quelles moralités sont à l'œuvre et comment elles produisent des différences, en l'occurrence la différence religieuse, dans les cas où l'autorité des mères est remise en cause sur fond de conflits religieux. À titre d'hypothèse, j'affirme que d'autres moralités (et pas seulement la morale religieuse) se profilent derrière la discrimination pour des raisons religieuses et ethno-raciales. Au préjugé basé sur le genre (surtout des mères sont concernées) s'ajoute une compréhension biaisée de la liberté religieuse des enfants et adolescents, pourtant prévue au niveau national et international. Des notions légalement établies, telles que "l'intérêt supérieur de l'enfant", sont perçues comme étant à contenu variable et remplies de moralités controversées dans l'arène publique, telles que celles qui considèrent que certaines religions, notamment les religions de matrice africaine, constituent un risque pour les mineurs. Par ailleurs, les mères, à qui est garanti le droit de transmettre leurs croyances à leurs enfants, sont particulièrement discriminées comme étant des complices d'une exposition supposée. Dans cette relation, il y a à la fois la (dé)construction de l'enfant et de l'adolescent comme sujet de droits et la criminalisation des religions afro-brésiliennes et des femmes qui la professent.

5B. Crime — Salle 6

Présidence de séance/Chair
Erika Rackley, University of Kent

Lise Gotell, University of Alberta, CA
"On display: rough sex pornography and the rough sex defense in Canadian law"

Pornography is deeply embedded in trials in which the rough sex defence is raised, giving new meaning to Carol Smart's claim that the rape trial constitutes a "pornographic vignette" (1989). Drawing on study that I am currently completing (with Isabel Grant and Elizabeth Sheehy) on the rough sex defence in Canadian law, this paper explores the complex ways that pornography is implicated in these trials. As I will demonstrate, rough sex trials often create a "theatre of pornography" in which women's pain is reconstructed as pleasure (Edwards 2020). The forms of objectifying and violent sexual activities at issue in the rough sex decisions in our database read like the scenes typically depicted in online, mainstream pornography. Indeed, the facts correspond with what researchers have labelled the "pornographic sexual scripts" prevalent in mainstream pornography, including hair pulling, slapping, spanking, facial ejaculation, aggressive penetration, gang rape, double penetration, penile gagging, and various forms of strangulation. In several recent sentencing decisions, including a high-profile case in which the accused was initially acquitted in the death of an Indigenous women, defendants' use of rough sex pornography is explicitly implicated. Perhaps most disturbing are cases in which the links between rough sex and pornography take the form of video creation, memorializing the sexual violence and intensifying the degradation experienced by survivors. In these cases, rough sex becomes a spectacle of misogyny, with the display of women being violated and sexually humiliated, and perpetrators actively staging scenes for the camera. Through my analysis, I return to some earlier feminist insights on objectification and interrogate the implications for women's citizenship.

Beatriz Souto Galvan, University of Alicante, ES
"Defining sexist hate speech as a criminal offence"

In 2015, the Spanish Criminal Code introduced "reasons of gender" in the catalogue of discriminatory reasons for the crime of incitement, also called "hate speech". This reform has introduced important amendments to the article that criminalizes the conduct of incitement to hatred, hostility, violence and discrimination. Traditionally, the behaviors that have been considered punishable by European Union countries comprise the denial of genocide and the dissemination of messages that incite hatred, violence or hostility against groups by reason of their race, national origin, religion or beliefs. Nevertheless, both the Council of Europe and the European Union are working on the inclusion of sexism as a form of incitement to hatred. In fact, the European Commission has published an initiative to include hate speech and hate crimes in the list of EU crimes (9 December 2021). Thus, this initiative will create an additional legal basis for addressing those specific forms of serious violence against women and girls that can also be defined as misogynous hate speech or hate crime with an objectively identifiable gendered bias motive. First, I will approach the concept of hate speech; I will then address sexist hate speech (regulation and judicial cases). Finally, I will analyse the limits which can be imposed by criminal law on the spreading of sexist stereotypes and the provocation to violence or discrimination against women

Jennifer Koshan, University of Calgary, CA

"The myth of the lying wife in intimate partner violence cases"

This paper will explore myths and stereotypes in intimate partner violence (IPV) cases, focusing on the myth that women lie about or exaggerate violence by their (ex)partners to gain an advantage in family law proceedings. In Canada, for example, while courts have recognized certain assumptions about women's credibility in sexual assault cases as rape myths, similar recognition of myths in cases involving IPV has been more limited. Indeed, the myth of the lying wife has found a new home in cases where fathers allege, and courts often find, that mothers' claims about IPV are instead evidence of "parental alienation" intended to harms fathers' relationships with their children. I will compare the judicial treatment of the myth of the lying wife/mother in cases involving IPV in several Commonwealth jurisdictions (Canada, the UK, and Australia) with a view to having the myth recognized as such. I will also explore possible responses, such as mandatory judicial education (which applies in Canada for sexual assault but not IPV).

5C. History 1 — Salle 2

Présidence de séance/Chair
Frances Hamilton, University of Reading

Caroline Derry, The Open University, UK
"Understandings of women's citizenship after the Representation of the People Act 1918: Ethel Bright Ashford"

The right to vote in general elections, a central feature of full legal citizenship, was granted to some women over thirty by the Representation of the People Act 1918. However, while the campaign for the vote has dominated perceptions of women's activism in that period, it was only one part of contemporary campaigners' understanding of citizenship. These can be seen through the career of Ethel Bright Ashford, who by 1918 was a businesswoman with a postgraduate education, and went on to become a pioneering barrister, long-serving borough councillor, and educator. Consideration of her activities and activism throws light onto key areas including women's citizenship education, their participation in local government, and their professional engagement with the law. Exploration of Ashford's work also prompts reflection upon our own approaches to assessing the achievements of pioneering women.

Mathilde Cohen, University of Connecticut, US
"Human Milk in France Between Technology and Colonialism"

This paper is part of a broader research project on donor human milk, which I see as an under-explored dimension of both reproductive justice and food justice. Donor human milk has long been recognized as a key resource for preterm and vulnerable babies whose parents cannot provide them with their own milk. As Kara Swanson has shown, in the early 1900s, human milk became the first bodily material to be banked, well before blood, sperm, and ovocytes. While in the United States, milk banks developed as self-regulated, private organizations delivering frozen milk, French banks are primarily public entities regulated under national health law and includes a bank in Marmande that produces powdered human milk. While this paper focuses on the case of the Marmande bank, my broader research is comparative and puts more emphasis on the law. My overarching argument is twofold. First, I argue that human milk has long been construed as a public good in French political, medical, and legal discourses, which have fixated on decreasing infant mortality in a nationalistic vein. This has led the state to heavily invest—financially and legally—in milk banking. Second, despite its formal decolonization process and constitutional commitment to equality, France has maintained territories located outside of Europe in the Caribbean, Oceania, and Indian Oceans, among others, which have been subject to various forms of exploitation and extractions. My hypothesis is that powdered human milk became and remained a technology of choice in France in part because it could be shipped overseas to maintain a semblance of first food justice across territories in the face of longstanding reproductive inequities.

Alecia Simmonds, University of Technology Sydney, AU

"Imagining the female juror: women's struggle for jury rights in Australia 1900-1950"

For decades after women won the right to vote in Australia, few were entitled to sit on juries and fewer still actually did so. The campaign for women's jury franchise was always a poor relation to the suffrage campaigns: often ignored and always marginalised. From 1901 to the 1950s, female jurors were an absent or rather an imagined presence (indeed, it took until 1992 for all states in Australia to give women full rights to sit on juries.) Focusing on the first half of the twentieth century, this paper explores different visions of the female juror, and juries, conjured by supporters and detractors, to examine the relationship between gender, law and citizenship. How could women be given equal status when the office of the juror was imagined to be occupied by someone without domestic responsibilities? Could sex-based equality be achieved without transformation of the family and the labour market? What skills and insights could the realities of women's interdependence and caring obligations bring to a role that had hitherto been imagined as requiring autonomous, impartial legal adjudication? Were women a complement or an improvement? Was the problem that women were too emotional or that jurors in general were too emotional? And how did women's campaign for jury suffrage reveal deep-seated anxieties about the perceived amateurism and irrationality of the jury system on the part of a bourgeois legal system in the process of professionalisation?

Barbara Fontyn, Sorbonne University, FR

"Margaret Llewelyn Davies: the fight of a feminist campaigner for better social justice for mothers and children"

Margaret Llewelyn Davies (1861-1944) is best remembered for being the energetic general secretary of the Co-operative Women's Guild from 1899 to 1912. Under her leadership, membership rose from 1.800 to 52.000 and the number of branches multiplied. However, for the purpose of this paper, I intend to focus on Margaret Llewelyn Davies as a feminist campaigner, fighting for the welfare of working-class mothers and children. I plan to demonstrate how her feminist involvement, backed by her radical upbringing, led to the enactment of the Maternal and Child Welfare Act 1918 and resulted in the rise of a new status for women, being that of citizen, in the context of social and political change in early 20th century Britain. Right from the beginning of the 20th century, Margaret Llewelyn Davies worked for the improvement of several key aspects of women's lives, being in favour of female suffrage and supporting divorce law reform. More interestingly for my paper, the successful publication of Maternity : Letters from Working Mothers in 1915 put Margaret Llewelyn Davies at the junction of feminism, law and citizenship. This collection of testimonies revealed the appalling living conditions of working-class women as well as the numerous hardships they had to face before, at and after childbirth. The very title of the book seems to show a shift in identity : mothers – more particularly working-class mothers – were now 'women', that is to say 'citizens'. This appears to strengthen the status of 'citizen' women had gained in 1911 with the adoption of the National Insurance Act after Lloyd George's government finally agreed to pay maternity benefits directly to the woman as a result of the lobbying of Margaret Llewelyn Davies for this measure. Furthermore, Herbert Samuel (1870-1963), President of the Local Government Board, prefaced the book, underlining the fact that the state had the duty to help impoverished mothers. Samuel was a staunch supporter of 'New Liberalism', a doctrine which represented particular Liberal party incorporations of idealist social thought and was also seen as a clear change in the way the relationship between state and society was conceived.

6A. Intersectionality —Salle 2

Présidence de séance/Chair
Elena Ghidoni, University of Deusto

Anne Michelle Schneider, Coimbra University, PT **"Democracy, Citizenship, Development and Gender: what does the criminal system have to tell us about this?"**

This article is part of an effort to understand the relationship between citizenship, democracy, development and gender equally. To go through this path we analyse the impact of the criminal system on the woman from the study of decisions of the State in crimes against women: decisions taken by State Agents (Police Officers, when deciding the crimes that should be investigated and the possible lines of investigation, Public Prosecutor's, by choosing some crimes to be reported and others whose investigations should be filed, Judges, to substantiate their decisions, choosing, publicising and symbolically demarcating the legal and social reason of their choices, of Legislators, by choosing the legislative discrimination criteria, Administrators, by choosing implementable public policies, etc.). The work integrates a broader research developed in the context of a master's degree in Criminology, discussing the monopoly of the force and state violence of the criminal system as guarantor of the status quo. For this, we use the qualitative and quantitative methods: bibliographic documentation, legislation, jurisprudence, investigations with professionals who work in the criminal system, analysis of news on the Internet, analysis of statistics of the proportion between men and women who are part of the criminal system, among others. The data were fundamental to understand the scope and consequences of the dissemination of news on the subject, what reactions in a society about these facts and what we need to adapt the national and international legal system to the protection of women, Development and promotion of human dignity with equality between men and women, and walking side by side with the development.

Maritel Yanes Pérez, CONACYT, MX
"The importance of including the ethnicity and race categories in the analysis of femicide"

Femicide is presented as a daily practice in Latin America related with poverty, marginalization, exploitation, lack of education, among other factors that help to increase the vulnerability of women. In Latin America, the lives of indigenous and Afro-descendant women are the least valued. This analysis addresses the need to include ethnic and racial origin in the statistics concerning to feminicide and in the mortality bases for homicide. As a methodological strategy, a documentary review of different investigations that have addressed the subject was made with the purpose of analyzing their contributions. The investigations found that: 1. Femicide is related to the subalternity of women and their social vulnerability. 2. Differentiate femicides that occur in the sphere of privacy, from those that are of an impersonal space. 3. Analyzing female deaths with presumption of homicide can approximate femicide, in them differences are found in the means to cause death, ages and place of occurrence. 4. Introduce improvements in the administrative records on violence against women and incorporate the gender approach in the production of information. 5. Add more details about the aggressor in the information collection forms and in the statistics. 6. Include, in the mortality statistics and in the counting of feminicide, the categories of race and ethnicity.

Laetitia Tanqueray, Lund University, SE

"A socio-legal gender perspective through a case-study on robotic peripartum depression screening"

Mental health disorders are usually gendered, with more women being diagnosed with depression for example. This elicits guidelines on how to diagnose mental health according to symptoms common to women, which in turn normalises those practices. This creates legal norms which are reflected when screening for such conditions; however, they require scrutiny, especially as they become formalised in organisational logics, healthcare structures or design, since those conditions should not be viewed as "women-only" issues. This scrutiny is offered in this presentation by focusing on Peripartum Depression (PPD) and a new technology envisioned to be embedded in healthcare, through socially assistive robots (SARs). PPD is a mental health condition which is said to affect women from the time of conception up to two years after giving birth. The condition is one that resembles major depressive disorder, but difficult to detect due to the stigma associated around PPD. In our previous study looking at automating PPD screening through SARs, we found ourselves and our participants wanting to mirror current practices – which are actually very gendered, especially as partners can suffer from PPD. This is key as SARs are robots designed to interact with humans, and thus somewhat mimic human norms within a specific context to be accepted by the user(s). This led to problematic gendered design implications for the robot in our study, including: (1) that predominantly the screening tool should be for pregnant women and (2) that the robot should be more feminine as it seems more caring and resembles the user. In line with these findings, this paper scrutinises how gendered norms inform the design of robotic technologies, with a basis in socio-legal theory on gender. The aim is to bring a perspective on how Sociology of Law and gender could help challenge such a problematic yet sensitive issue, and be used a theoretical framework to observe, study and challenge those norms in order to shed a critical light on gendered healthcare norms.

6B. History 2 — Salle 6

Présidence de séance/Chair
Caroline Derry, The Open University

Sara L Kimble, Depaul University, US
"The women's jury: historical perspectives on justice and equal citizenship in Belle Époque France"

From the 1880s, feminist activists in France demanded that women have a right to join the criminal jury and sit in judgement to assure justice especially in cases where men's privileges in society disadvantaged women. Members of Solidarité, including Eugenie Potonié-Pierre and Hubertine Auclert, rallied their political energies to demand equal representation on juries where the gender imbalance of power was most egregious: infanticide, abortion, domestic violence between spouses or lovers, and paternity suits. Their protests in the 1880s resulted in a Chamber of Deputies proposal in 1901 and political debates among varied audiences. In their confrontation with the opposition they exposed the gender organization of the jury system, and the inequalities that women faced in private, judicial, and political terms. The reform efforts gained unique prominence with the project of Camille and Hyacinthe Bélilon who created the *jury féminin*, the women's jury, whose members attended trials and published unofficial verdicts over 5 years, from 1905 to 1910. This trove of verdicts, constitutes a sustained critique of male bias in the criminal justice system and inequality in the criminal and civil codes (especially related to adultery, paternity suits, and wives' rights). The unofficial verdicts of the women's jury called public attention to gender dynamics in cases concerned with domestic violence, child abuse, poverty, and unequal moral standards and highlighted the ways in which men and women were punished differently through a gendered, biased lens. By publishing their detailed case discussions, the *jury féminin* sought to model how to deliberate about guilt and innocence, weigh extenuating circumstances, and recommend a just sentence and thereby demonstrate women's competence to function as jurors. The radical critique of the *jury féminin* was complemented by the efforts of female lawyers, especially the *avocates engagées*, such as Maria Vérone who pursued a feminist legal practice inside and outside the Palais de justice. Activists drew arguments about citizenship to advance their claims, and sought reforms that would grant women eligibility to the list of jurors, a list also used to determine eligibility of voters. This research is based on published and unpublished materials historical materials including the *jury féminin* verdicts, legislative debates, National Assembly documents, and debates within the legal profession. My analysis can provide us with unique insights into intersection between the critique of gender bias in criminal jury system and citizenship rights.

Marion Roewekamp, Colegio de México, MX
"Citizenship, gender and law. Women as lay judges in Imperial and Weimar Germany"

From around the time when feminist activists in Germany became aware of the role of the law for women's equality, they started to demand law reform on a legislative level but also the right of women to join the courts, as lay judges and as professional lawyers before and behind the bar. The observation of court trials where women were judged only by male judges and laymen led to the demand to have women join the juries to avoid injustice towards disadvantaged

women and to bring in the female perspective into the law. At the same time this movement was supported by the general claim of the lay judges movement to democratize the German justice which was perceived to be corrupted by the elite of lawyers, who over centuries have decided on the fate of the population. Women were perceived to have a more moral and less corrupted sense of justice and thus claimed to be a plus in a legal and justice reform. The introduction of juvenile law and juvenile courts helped these demands, as women were felt to have due to their natural role as mothers a better understanding and influence on juveniles and thus were seriously considered to be lay judges even by governmental institution who were usually strongly opposed to women working in the civil service. Basic problem of women's access to the jury service was that it was tied to public offices which on turn was based on full citizenship and voting rights, which women did not have. Thus the story of women's access to the jury service in Germany ties strongly into the history of equal citizenship laws for women. Only after women gained the suffrage in 1918 and gained the right to enter all professions in the Weimar constitution, they could fight their way into being allowed to sit in juries in 1922, and even then the participation of women was still discouraged. Based on archival material and contemporary publications the paper will analyze the story of female lay women in Germany tying into the present and the new debates in the current German society and the attempts to limit women's citizenship rights again.

Anne Cova, ICS-University of Lisbon, PT

"Feminism, law and citizenship in Portugal: the case of Elina Guimarães (1904-1991)"

Elina Guimarães (1904-1991) was a prominent figure of the feminist movement in Portugal but has not yet received the attention she deserved even if her archives are available at the National Library in Lisbon and a Feminist Archive and Documentation Center in Lisbon bears her name (Centro de documentação e arquivo feminista Elina Guimarães). She was only twenty-one years old when her feminist activism started: the president of the National Council of Portuguese Women (CNMP, Conselho Nacional das Mulheres Portuguesas), Adelaide Cabete (1867-1935) invited her to join the council in 1925. The CNMP was established in Lisbon on 27 April 1914 and was affiliated with the International Council of Women (ICW) which had been founded in Washington in 1888 to foster a collective women's identity across national boundaries. In 1926, Elina Guimarães obtained her law degree from Lisbon University. She had been one of the most active CNMP members on legal issues. She occupied various leading posts within the CNMP: she was general secretary in 1927, vice-president of the board in 1928-1929 and again in 1931, and vice-president of the general assembly in 1946. Her knowledge of the law allowed her to play an active role in various standing committees of the CNMP. She opened the second feminist congress of the CNMP, which took place in Lisbon in 1928, with a speech on the protection of women workers and on the position of working women in marriage. She also edited the CNMP's publication, *Alma Feminina*, in 1929-1930 and wrote many articles denouncing the inequities of the Portuguese laws regarding women, and especially married women. With the establishment of the Salazarist dictatorship in 1933 and the abolition of the CNMP in 1947, Elina Guimarães joined the democratic opposition participating in the Democratic Unity Movement (MUD, Movimento de Unidade Democrática). Throughout her long life (she died in 1991 at the age of eighty-seven), she never ceased to advocate for feminism, by claiming for changes in laws for women. After the Revolution of the Carnation on 25 April 1974 with the enfranchisement of all Portuguese women over the age of twenty-one, Elina Guimarães collaborated in many different newspapers and some of her chronicles published between 1970 and 1975 were gathered in a book entitled *Coisas de mulheres* (Women's things). Her trajectory can be summed up perfectly with these three words: feminism, law and citizenship.

Anne Epstein, University of Helsinki, FI

"Pro Justitia: Francophone intellectual networks, the national politics of women's legal status, and the emergence of transnational feminism in the early 20th century"

By the late nineteenth century there existed numerous international spaces – publications, societies, educational enterprises, international organizations, congresses and mass gatherings such as World's Fairs – where feminists and intellectuals supportive of more equitable gender relations could make local and national information about women's legal status, social role and political participation part of a larger, trans-border conversation. Using these spaces to describe and publicize national efforts to improve women's civil rights or access to education and professional opportunities, thinkers and activists from both small and large nations expanded international awareness of the scope

of feminist action. Translation and intercultural mediation played an important role in transnational circulation of this information as well. Reviewing a book on gender relations or women's legal status by an author in another part of Europe, translating a work from a little-known into a more widely spoken language, or writing a preface for a book that had been translated into their own language, also constituted means by which internationally-networked thinkers and activists from smaller nations fostered the “transnationalization” of the battle to improve women's position in society. This paper explores these issues through the case of the short-lived French-language *Revue de morale sociale* [Social Ethics Review], founded in Geneva but also published in Paris. From 1899 to 1903, the publication became a forum for transnational exchanges of knowledge in French about women's legal status, gender relations, morality and ethics, education and professional training for women, issues of social status and of course the notion of feminism, broadly understood. Its advisory board and contributors included both men and women from across Europe, with diverse professional backgrounds. Their shared aim, eradication of the sexual double standard, required recognizing and publicizing a range of deficits in women's civil rights. Focusing on both contributions addressing piecemeal efforts to reform women's legal status in select national contexts and also on the role played by transnational reformist networks to which many contributors also belonged, the paper will analyze how national politics and political cultures converged in the transnational synthesis of feminism, citizenship and women's legal status presented in the review.

6C. Citizenship — Salle 214

Présidence de séance/Chair
Annick Masselot, University of Canterbury

Lorraine Carvalho Silva, University of São Paulo, BR
"Brazilian Black Women and Citizenship: structural construction of racism"

Brazil is a country whose political construction is based on over 350 years of slavery and genocide against indigenous peoples and traditional peoples. Currently, the state maintains high levels of violence against vulnerable social and political groups such as the black, indigenous, women, and LGBTQIA + population. The Brazilian state and its institutions, including the judiciary, took on a political project after the abolition of slavery in 1888 in which punishment and technologies such as racism, patriarchalism, capitalism, and colonialism are essential structures for the marginalization and economic, political, and social exclusion of all non-hegemonic populations. In 2018, more than 54,000 people were murdered, approximately 70% of the black and peripheral young people. In 10 years, rates of domestic violence against white women decreased by 9.8% while against black women increased by 54%. The national penitentiary system imprisons the 3rd largest prison population in the world, from which more than 60% are black. Social and racial disparity is present in all indices considered to be inherent rights to all citizens, that is, human rights. In this context, I question whether, in fact, democracy conquered in 1985, the end of the dictatorial military regime in Brazil, was implemented throughout the national territory and for all citizens. Citizenship is a powerful tool and allows the occupation of decision-making spaces. It turns out that some people, such as poor black women, have not yet recognized their citizenship in Brazil and therefore receive from the state only the violence and the omission of these rights, considered by a dominant class, as universal. Violations of law have been denounced for years by black intellectuals, black feminists, and essential ancestry so that today, I and other partners can continue our steps towards material equality and effective citizenship.

Frances Hamilton, University of Reading, UK
"The EU concept of citizenship and the potential to advance LGBTQ+ persons rights"

Whilst citizenship scholars have primarily analysed citizenship as governing the relationship of individuals with the state they live in, this piece reflects on citizenship in an EU context. Citizenship is one of the key concepts utilised by the CJEU to justify expansion of rights for EU citizens, especially where new populations such as LGBTQ+ persons are concerned. The recent case of Coman from the Court of Justice of the European Union demonstrates the expanding nature of EU citizenship, requiring states to recognise same-sex marriages for the purposes of free movement and residence rights. This accords with the EU's aspiration to engage with citizens in a 'more meaningful and direct way' and for EU citizens to feel a sense of belonging to the EU, essential in a Brexit era. The result of Coman in requiring recognition of same-sex marriage for certain purposes could contribute to the creation of 'sexual hierarchies.' Feminist and queer theorists have expressed manifold doubts about historical interpretations of citizenship which concentrate on the deep connection between citizenship and equality rights and on this view same-sex marriage could actually prevent the citizenship of LGBTQ+ persons being fully realised. Instead many queer and feminist theorists prefer more thorough going resistances. Recommendations of wholesale change can be critiqued as academic in nature and not

fitting with the EU's inherently practical and rights based approach. Different interpretations of citizenship would move away from contested understandings of equality, and would instead consider wider conceptions of citizenship to include considerations of responsibilities towards the wider community and social processes through which individuals and social groups engage in claiming, expanding or losing rights. This debate seeks to interrogate feminist and queer analyses of citizenship and consider the role which this concept can play to legitimise the expanding remit of the EU in a Brexit era.

Marcelo Carvalho-Loureira, University of Birmingham, UK

"Travesti citizenship: counter-hegemonic leanings from in-between livelihoods"

Law and especially citizenship law work normatively as absolute systems. They differentiate between the legal and the illegal. The citizen and the alien. The expected and the undesirable. They provide a fertile ground for the creation of binarities and opposable realities. In doing that, law and citizenship law forget, or lure us into forgetting, that between two absolute dichotomies lies a spectrum of realities. It is in the un-surveyed space of realities, which are strategically forgotten by the legal system, that powerful seeds of antisystemic potential lie. The people living in the in-between of categories (i.e. between citizen and alien, between male and female) and their narrative and livelihoods are able to provide a powerful solution for trouncing oppression. In understanding their path out of dichotomy, it becomes possible to re-signify statuses, overcome systemic exclusion and destitute the marginalisation of people. In this paper, I present a possible way in which the livelihoods and experiences of people living in the in-between can guide us through legal and political routes of liberation. I engage with the narratives of two travestis, Mia La Mujerón and Linn da Quebrada, in their paths outside of dichotomies and against systemic oppression to propose a new approach to understand citizenship law and its systemic oppression. Engaging with the narratives of Mia and Linn assist in composing a strategy towards legal freedom and rights acquisition. Their narratives allow for a critical understanding departing from the gender perspective to enter the pious territory of the law and citizenship. The in-between gender status that Mia and Linn hold, when transposed to the territory of citizenship law assist in proposing practical solutions for citizenship oppression. The example of their fights incites questions about the need of reform or revolution, as well as about the loyalties of in-between people and their battles. Travesti narratives allow for the envisaging of routs to fight against oppression which were already constructed by oppressive system, these systems being law or gender. Travesti livelihoods propose a reformist way to actuate revolution. They propose a way out of citizenship oppression which understands the strength of the system which oppresses them. This travesti route uses the very own ontological breaches existing in such oppressive system to implode its structural normative foundations.

Ashley Mantha-Hollands, WZB Berlin Social Science Center, DE

"International Citizenship Law: a feminist approach"

Acquiring and losing citizenship are profound experiences that cannot be removed from their gendered history. For women, having access to and being stripped of formal citizenship has far-reaching consequences. The article explores how gender has and continues to structure naturalisation and revocation of citizenship. Even though in most liberal democracies, women were granted formal citizenship in the 20th century which was tied to the advancement of gender equality norms in international law, I argue that emerging changes to citizenship laws have both transformed and entrenched inequalities. These changes include (but are not limited to) citizenship revocation for spouses of those convicted of terrorist offences, heteronormative marriage requirements, increasingly steep economic conditions for naturalisation, and cultural requirements for citizenship acquisition that have a differentiated impact on women. The persistence of gender inequalities in the citizenship laws of liberal democracies suggests that there is a need for a theoretical inquiry into the relationship between feminism, citizenship, and international law. There are three related outcomes for this article: the first explores how women's citizenship has evolved in international law; the second offers a new perspective of recent changes to state citizenship laws from a feminist lens; and the third demonstrates how the International Court of Justice's concept of 'genuine link' can be shaped to offer a feminist approach to international citizenship law. I thus develop three gender neutral customary legal norms (residency, time, and consent) for an international law of citizenship.