

Collaboration as Feminist Methodology: Experiences from the Feminist International Judgments Project

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Abstract

Participants in the Feminist International Judgments Project have brought to a small group (a judgment-writing chamber) their individual feminist perspectives on international law, and sought to apply their knowledge and method to a highly collaborative judgment (re)writing process. In departing from academic convention and exploring the possibilities and limitations to be found in the collaboration and compromise of writing judgments (rather than focusing on individual viewpoints), participants have had their perspectives constantly challenged. In this paper I explain how this project has foregrounded shared experience in its methodology, thereby making an important connection between feminist theory and methodology. The practical challenges and solutions that participants faced in collaborating on their judgment-writing are also explored.

Key words

Feminist methodology; feminist judgments; collaboration; international law

Resumen

Las participantes del Proyecto Internacional de Sentencias Feministas han aportado sus perspectivas feministas individuales sobre leyes internacionales a un pequeño grupo (una cámara de redacción de sentencias), y han procurado aplicar su conocimiento y métodos a un proceso muy colaborativo de reescritura de sentencias. Apartarse de las convenciones académicas y explorar las posibilidades y límites de la colaboración y el compromiso de escribir sentencias han supuesto un constante desafío a los puntos de vista personales de las participantes. En este artículo, explico cómo dicho proyecto ha traído a primer plano la experiencia compartida en metodología, creando una importante conexión entre teoría y metodología del

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feminismo. Asimismo, se explican los desafíos y las soluciones de tipo práctico que se encontraron las participantes.

Palabras clave

Metodología feminista; sentencias feministas; colaboración; leyes internacionales

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1. Introduction: “Writing is a solo enterprise”¹

The Feminist International Judgments Project (FIJP) first breathed life in 2014, when an international call for expressions of interest was circulated by coordinators, Troy Lavers and the author (both at the University of Leicester). From the responses we received, fifteen judgments and decisions from a variety of international courts and tribunals were selected for re-writing from a feminist perspective on the basis of their normative importance and the need to reflect the breadth of international law. Most of our participants, primarily academics but also some NGO workers, based in a range of countries, were placed into groups or “Chambers” to work collectively on allocated judgments. Other participants acted as discussants. At the time our project commenced, a number of national projects were underway; we felt that a project focusing on international law was both timely and relevant. Feminists are increasingly at the forefront of critical international legal scholarship; in practice, however, feminists’ work has arguably struggled to make much of an impact on mainstream international law and in judicial thinking (Otto 2009). International law as a discipline is deeply rooted in patriarchal thought, and it is notoriously dominated by male perspectives; a number of feminists have expressed concern about the silencing and exclusion of both women’s voices and feminist perspectives in international law.² Thus, the question of adopting effective and inventive methods and methodologies when approaching international law critically has been a crucial part of feminist efforts to disrupt and challenge the discipline’s normative foundations. Our project rises to the challenge of adopting innovative approaches to international law towards feminist ends.

In this paper, I focus in particular on the implications of the collaborative aspect of the project, which has been a central part of our methodology. Participants in the FIJP have brought to a small group (a judgment-writing chamber) their individual feminist perspectives on international law, and sought to apply their knowledge and method to a highly collaborative judgment (re)writing process. In departing from academic convention and exploring the possibilities and limitations to be found in the collaboration and compromise of writing judgments (rather than focusing on individual viewpoints), participants have had their perspectives constantly challenged. In this paper, I explain how this project foregrounds shared experiences in its methodology, thereby aiming to make an important connection between feminist theory and methodology. While I begin by setting our aims and hopes for the project, inevitably the collaborations have not been without challenges, and the problems that participants faced in collaborating on their judgment-writing – and the ways they overcome them – are also explored. Through its focus on collaboration, we hope that this project has made a unique and important contribution to the methodology of feminist judgments projects.

2. Incorporating Collaboration in the FIJP

The English/Welsh feminist judgments project, led by Hunter, McGlynn and Rackley (2010), has provided the blueprint for the methodology of subsequent projects from other jurisdictions. To this end, the typical model for a feminist judgment has been for an individual alternative feminist judgment to be written by an individual academic, or, occasionally, a pair of academics. In order to broaden the perspective brought to bear, the feminist judgment is usually responded to by a discussant or commentator. All of the feminist judgment projects to date, as far as I am aware, have emerged from common law jurisdictions; the blueprint thus requires some re-thinking when attempts are made to transplant the concept outside of that particular legal context. The coordinators of the international project wanted to adopt a

¹ Bernays and Kaplan 2004, p. 144.

² See, for instance: Charlesworth *et al.* 1991, Engle 1992, Dallmeyer 1993, Charlesworth 1993, 1999, Knop 1993, Binion 1995, Charlesworth and Chinkin 2000, Orford 2002, 2007, Meyersfeld 2003-2004, Buss and Manji 2005, Otto 2006, MacKinnon 2006, Kouvou and Pearson 2011, Heathcote 2012, Fineman and Zinsstag 2013.

somewhat different approach, and decided at an early stage, partly driven by the differences between the working methods of common law courts and international tribunals, that collaboration would be at the heart of this project. We understand collaboration in the following terms:

Collaboration encourages shared decision-making, prizes cooperative initiatives, strives for egalitarian interactions, values multiple perspectives, and attempts to mediate power imbalances between the researcher and the researched. It extends from a conviction that feminist research for and about women is most effectively accomplished when women join forces with each other to form communal rather than hierarchical models for scholarship. (Rhoades 2000, p. 96)

To this end, with a further two academics writing dissenting judgments individually, forty-two participants were placed in chambers of two to five people who have worked together to produce a single group-authored judgment. Two chambers responded to the call for expressions of interest as a ready-formed group of colleagues, and eleven chambers were composed of members placed together in groups by the project coordinators. While we did allow individuals within chambers to write dissenting judgments where this was allowed under the procedures of their tribunal, ultimately, only one chamber actually took advantage of this option (Judge Merris Amos in *Ruusunen v Finland*). Interestingly, a further chamber (Alghrani *et al.*, *Leyla Şahin v Turkey* judgment) took it upon themselves to jointly create a further imaginary member of their chamber (Judge Dost Düşman Ayırt Etmek) who acted as foil and devil's advocate in his dissenting judgment.

The primary factor in deciding how to group people together into chambers was, of course, the participants' particular areas of interest and expertise. There were, however, other factors placed in consideration. Where possible, we made conscious efforts to create chambers composed of a variety of participants, both in terms of experience and professional background. Consequently, our version of collaboration envisaged an element of mutual learning, which included being faced with alternative perspectives – such as by placing NGO workers and academics together. We also envisaged the FIJP as an opportunity for the mentoring of junior colleagues by more senior participants, whilst at the same time being acutely aware of the potentially hierarchical nature of our thinking:³ consequently, several chambers had PhD students and early career researchers collaborating with Professors. The potential for creative alchemy and fresh insight contained in the bringing together of diverse participants, often otherwise unknown to each other, seemed clear to us. However, the fact that chambers were not composed of people with a proven history of working together effectively, who had to develop ways of working together, has impacted on the project's progression. It goes without saying that our project is international in nature, which extends to our participants (although in truth there is a preponderance of European-based participants involved); the fact that several chambers were composed of people located in different countries was an additional factor affecting how effectively chambers worked and the extent and depth of their collaborative potential. Certainly, there were a few changes to the chambers' composition once the project was underway, as well as a few departures along the way. Given the challenges we faced in creating a collaborative space for participants, I turn now to discuss why we nonetheless have considered it an essential aspect of our project's methodology.

3. The Rationale for Collaboration as a Central Premise of the Project

A primary rationale for our methodological choice was disciplinary tradition. Feminist judgments have their genesis in common law jurisdictions and have not yet, so far as we are aware – and, indeed, so far as the workshop from which this collection draws indicates – extended beyond that tradition. Common law judgments are

³ We hoped that as the hierarchy was not entrenched in our chambers that there was an element of Co-mentoring at work. See McGuire and Reger 2003.

generally written by individual judges (who are individually named even when concurring), and so it would seem a natural decision for a feminist judgment project to add a new single-authored alternative judgment to those already delivered in the original 'real' judgment. International law and international tribunals draw from a mix of legal traditions to create unique and varied approaches to judgment (not always, in fact, an appropriate word) writing: certainly there is, on the whole, less emphasis on individual judgments. Tribunals such as the European Court of Human Rights, typically issue one joint judgment, while leaving open the possibility of individual judges delivering separate or dissenting judgments in their own name.⁴ Others, such as the Court of Justice of the European Union, leave no scope at all in their practices for individual judgments. When embarking on this project, our perspective was therefore somewhat different from that of those who preceded us: writing a single judgment collectively seemed to us a natural disciplinary approach that more closely replicated actual international judicial process.

Secondly, we also saw this project as offering an opportunity to resist the individualism inherent in law, not least in the sense of law being understood as having one true, objective, voice.⁵ J.D. Heydon has been troubled by the idea of composite judgments, suggesting that they

... raise questions. Who did the work? Did every judge understand the judgment? Did every judge closely examine it? Did a confident 'specialist' assume dominance over nervous 'generalists'? What, if any, compromises were made? It is sometimes said that all members of the court contributed 'equally' to a composite judgment. The intellectual activity involved cannot be measured to that degree of precision. (Heydon 2013, p. 212)

Questions such as these, whilst important, reflect an understanding of the process of judgment-writing as one in which a battle over the supremacy of viewpoints is played out in order to arrive at *a single objective truth*. I suggest here that such a position overlooks the possibility of a composite judgment reflecting a new and genuinely collective voice. The idea that laws are "discovered" in the abstract is one that feminists have challenged.⁶ We wished to demonstrate in the FIJP that a plurality of possibilities are on offer when international judgments are delivered. The law is partially shaped through the choices that judges and tribunal members make: where those choices are made in a way that overlooks their gendered implications or the needs of women, we wished to highlight that. Working collaboratively set the platform for such an enquiry.

A third purpose of our methodological choice was to challenge the emphasis on, and rewarding of, individualism in legal scholarship. From the outset of the project, the opportunity to work collaboratively generated an enthusiastic response and gave the project a particular dynamic and energy. Hafernik and colleagues identify in academia, particularly in the arts and social sciences, a belittling of collaborative work, not least because of the weakness and dependency that it seems to imply (Hafernik *et al.* 1997, p. 32). That those in attendance at the project's planning meeting expressed such enthusiasm about the chance to work collaboratively was a complete surprise to me, given the emphasis that rewards and the recognition placed on individual achievement: nonetheless, participants' interest was such that the idea took on a life of its own.

I have come to imagine that the thought of collaboration offered reassurance to participants embarking on a project that departed from the normal conventions of academic writing; such reassurance was perhaps accompanied by relief too, that an alternative to the normal isolation of academic work was being offered. We made a conscious decision that our project would foreground the fostering of connections

⁴ For a discussion of the significance of these judgments, see White and Boussiakou 2009.

⁵ Eichler (1997) has described this epistemological question as the thickest strand of feminist methodology.

⁶ For a discussion of the application of this critique to international law, see, for instance, Charlesworth *et al.* 1991.

(networks, for want of a better word) in a mutually supportive environment. We have observed that even senior academics tend to become isolated by academic hierarchy; for instance, at conferences, where they are invited to give key notes and to attend meals with organisers. Hafernik and colleagues (1997, p. 34) have suggested that a supportive collaboration provides psychological encouragement to start a project, encourages risk-taking in terms of the ideas set out and explored, and improves the quality of writing. Asking people to work collaboratively together, and come together as a collective to workshop the judgments, was a deliberate strategy that drew on such insights. From a feminist perspective, this was also a conscious effort to challenge the hierarchical nature of legal academia, that tends to foster isolation and focus its attention on individual achievement. In the words of Hilary Charlesworth, "[f]eminist methods emphasize conversations and dialogue rather than the production of a single, triumphant truth" (Charlesworth 1999, p. 379).

Importantly, this was collaboration with a shared purpose: collaboration in and of itself is of course not *inherently* feminist (as jointly-written judgments delivered by international tribunals repeatedly demonstrate). The coordinators of the FIJP saw collaboration as a strategic political act of unity among feminists. Although we were attuned to the fact that many feminists have raised legitimate concerns about the essentialism inherent in suggestions that females attach particular importance to relationships,⁷ the dynamic and power created when feminists come together nonetheless never fails to make an impression upon us. In the words of Monk and colleagues:

... beyond the priorities of funding agencies, we see collaboration as consistent with long-standing feminist goals of challenging hierarchical relationships and of conducting research that us directed towards changing society. (Monk *et al.* 2003, p. 92)

In order to engender change in our discipline, seriously creative strategies are required: international law is deeply rooted in patriarchy, its normative traditions are robust and highly resistant to change.⁸ Feminist encounters with international law began much more recently than equivalent encounters with common law legal systems, and the work is relatively embryonic. An article by Hilary Charlesworth, Christine Chinkin, and Shelley Wright published in the *American Journal of International Law* in 1991 is widely recognised as the first such encounter. Feminists working in the field of international law thus face something of an uphill battle striving for alternative perspectives to be heard and acted upon: the real danger is that feminist approaches to international law are treated as a curiosity to be at once showcased and side-lined. There is a frustration among feminists in international law that their voices simply are not being heard (see Charlesworth *et al.* 2005). One practical reason why collaboration among our colleagues is particularly challenging is the geographic spread of feminist academics working in international law, which makes it hard to create feasible fora in which to plan for change. Another challenge is the specialisation occurring within the field of international law, leaving feminist scholars increasingly small platforms upon which to share their ideas and support one another. In this context, creating a space for collaboration and mutual support appeared to us to be a political act: perhaps we might describe this as the hope that together we might make sufficient noise to become impossible to ignore. To this end, we may have under-estimated the challenges feminists face in this arena.

Finally, we hoped that collaborating on judgments could provide participants with an insight into the actual process of law making. Adopting a collaborative methodology that reflected (to some extent) the practices of international courts and tribunals enabled us to pose questions within the project about the nature of (international)

⁷ Gilligan (1990) is often understood as offering an essentialist view of female nature (a charge that she has refuted). For a discussion of anti-essentialist critiques of Gilligan's work, see Heyes 1997.

⁸ For a discussion of the challenges in achieving feminist progress, see, for instance, Charlesworth *et al.* 2005.

judgment writing itself. The aim was to offer some tentative insights into the process of judgment writing, and to reflect on ways in which the collaboration might be implicated in shaping judgments and influencing international legal developments. Through our methodology, we hoped to offer participants an experience that might shed light on the creation of international law and, while demonstrating the contingency of that process, allow participants to explore factors that might shape the formal outcomes of the judicial process.

4. The Experience of FIJP Participants of Collaboration: “a new narrative identity”

As far as the project’s current progress is concerned, this piece is being written as the judgments are in the final stages of being editing for publication. As well as the judgments themselves, participants were asked, as part of the project, to write a short reflection on their experiences of judgment writing and collaboration, which will form the final section of each published contribution. Part of the reason that we asked chambers to include a piece of reflective writing is that, consistent with the project’s feminist aims, it encouraged participants to ensure their research is:

... presented in ways that make it clear how the researcher’s own experiences, values, and positions of privilege in various hierarchies have influenced their research interests, the way they choose to do their research, and the ways they choose to represent their research findings. (Harrison *et al.* 2001, p. 325)

Giving space to a discussion of the process of judgment writing was also intended to be a way of sharing our experience of collaborative judgment writing so that others, both in the context of feminist judgment projects and beyond, might draw from it. In this section I make some preliminary observations on these draft (as yet unpublished) reflections, with particular focus on what participants have said about their experiences of collaborative judgment writing (which, as will be seen, were not always consistent with our initial expectations).

From the outset, it was clear that individual participants came to the collaborative judgment-writing process with a variety of aims and priorities. For some, sharing Charlesworth’s view that “... the silences of international law may be as important [to feminist enquiry] as its positive rules and rhetorical structures” (Charlesworth 1999, p. 381), the key priority was to tell those stories left untold in the original judgment. Others were concerned with challenging judicial interpretation of international legal principles and values. Still others concentrated on demonstrating how alternative analytical tools can and should be used. Others were particularly focused on the individual concerned and referred to the satisfaction they felt in “righting an injustice” that the original applicant(s) had experienced. Consequently, individuals came to their groups with a range of hopes and possibilities. Given the richness and diversity of feminist perspectives on international law,⁹ the need to accommodate different priorities was of little surprise. An interesting question, then, is how this diversity of aims and stand-points became shaped into a single judgment.

I will start by considering some of the particular – and considerable – challenges that have faced our judgment writers applying feminist thought to international law. As one of the chambers observed, “using feminist method does not always yield feminist results” (Aliozi *et al.*, *Germany v Italy* judgment). It certainly soon became clear that collaboration did not provide a panacea to the challenges feminists in the field of international law face and, indeed, may have contributed in some chambers to the adoption of what some participants have felt to be a weakened feminist position. Participants have reported that their feminist aims have not always been fully reflected in the final output: the judgments, in many cases, are not as far-reaching as participants had hoped and expected from a feminist judgments project. A number of participants have reflected upon the balancing act they were performing in their

⁹ For an illustration of this richness and diversity see, for instance, Kouvo and Pearson 2011.

judgment between utopian thinking and credibility: the results have been, in the view of some participants, surprisingly restrained in terms of the normative leaps they perform and in how far they depart from the interpretive convention of tribunals. Participants have described themselves as being very aware of how readily radically alternative judgments could be dismissed, both by academics and the judiciary. One group described the process as

... a hugely enjoyable process that enabled detailed discussion and criticism of the law not through an academic, but judicial prism (prison, perhaps, as it was ultimately more a constrictive process than we had anticipated). (Jurasz *et al.*, *AFRC Trial Judgment*)

For our participants, the heavy weight of international law's patriarchal norms at times felt almost insurmountable: certainly, rewriting these judgments was a considerable intellectual struggle against the discipline's grain. One group commented:

We realized how much we internalized traditional methodologies, structures and norms of international law that we as specialists in various areas of international law also contribute albeit unwittingly to the perpetuation of norms and structures of the very international law we attempt to transcend. (Aliozi *et al.*, *Germany v Italy*)

One casualty of this process was the expression of clear and explicit empathy for victims of violations of international law, which some groups felt was not compatible with a plausible and objective judgment.

Some groups reported finding it hard to reconcile being an "outsider" (in this case, experiencing oneself as a "pretend" judge) with a sense of doing work that might make a difference or have an impact. The effort invested in rigorous academic endeavour was coupled with a sense that the writing of a "pretend" alternative judgment cannot really undo the damage done: "alternative choices without the authority to give them legal effect cannot claim to make much difference to past injustices" (Fenwick *et al.*, *ABC v Ireland* judgment). In spite of the energy and enthusiasm participants brought to the project, there was, it should therefore be acknowledged, some sense of deflation; an unwelcome reminder of the limitations of academic work. Collaboration then, we suggest, might be a useful tool to combat the loneliness and frustration that "outsider" researchers (a space that many feminists feel they occupy) can experience. It seems that one important aspect of collaboration, at least among academic feminists, is the support and encouragement that it can offer those involved persisting in the often thankless process of trying to do law differently, perhaps while feeling marginalised by the mainstream. There is considerable value in not feeling alone in this endeavour.

On the other hand, some participants felt the fact that collaboration mirrored (so far as we were able) the insider practice of judgment-writing, but from an outsider positioning, has lent the experience and associated output a greater degree of gravitas: one chamber remarked that the process of "parodying" the original judgment gave that judgment more power, referring to "the undeniable weight that comes with dealing with a real case decided by a real court, as if somehow that reality became more *real* through this method than through traditional academic analysis" (Carneiro *et al.*, *Gómez-Limón v INSS* judgment). Participants acknowledged the struggle that occupying insider/outsider positioning brought:

Feminist judgment projects take us to the line between the desire to resist co-optation and the desire to re-fashion institutions from within via the appearance of compliance. It seems unnecessary to attempt to resolve this persistent tension other than to say in writing a feminist judgment there was a somewhat satisfying insider/outsider space where the form and process of judgment writing was used and yet our own methods (for example, writing collaboratively and drawing on specific feminist sources) resisted the expectations of the institution in subtle ways. (Chinkin *et al.*, *The Bozkurt/Lotus Case*)

This occupation of liminal space by feminists was identified by another chamber as a central part of groups' methodology: "[W]e utilised the usual black letter tools of legal interpretation, but at the same time recognised and highlighted when these tools perpetuated gendered norms" (*Şahin v Turkey*). The on-going role of feminist engagement with international law is critical in challenging entrenched norms and proposing alternatives.

A number of chambers mentioned the need to balance members' distinct feminist views in their judgments. Interestingly, however, no group felt that this was an insurmountable hurdle (although we did not ask people who withdrew from the project before its completion to share their views and experiences). The political pragmatism and methodological flexibility of feminists is a factor that might have contributed to successful collaboration: from an organiser's perspective, I felt that we witnessed chambers "rolling up their sleeves" in order to find consensus on ways in which to reach shared goals. The final judgments, we believe, have gained strength not from drawing from one single strand of feminist thought, but from drawing from a range of possibilities to achieve shared goals. More than this, many of the chambers clearly revelled in the experience of collaboration:

... rather than individually writing sections of the text that we pieced together the judgment captures what happened when we worked together. This was the most rewarding aspect of the process and definitely captured something none of us might have written absent the collaborative process. (Chinkin *et al.*, *The Bozkurt/Lotus Case*)

Similarly, another group, noting their racial, ethnic, national, geographical, and theoretical differences, nonetheless found, that, rather than becoming engaged in a battle over the supremacy of disparate viewpoints, a new collaborative voice emerged: "in the process we have forged a new narrative identity that unites the merits of our individual voices into what we hope is one sonorous, highly enriched stereo-voice" (Buckner-Inniss *et al.*, *Kell v Canada* judgment).

It is clear that many participants greatly appreciated the shared feminist space that this project created in light of their experience of academic work. Some participants specifically mentioned the non-hierarchical nature of the collaboration. Others addressed how antithetic this experience was to the Research Excellence Framework agenda in the UK, in which individual pursuit of academic work is prioritised and ownership of knowledge demarked. One chamber noted:

As a chamber we concluded that collaborative scholarship is important to how we think, exchange ideas and produce feminist writing, as well as how we maintain commitments to feminist processes and care for each other as researchers in an increasingly neoliberal higher education setting. (Chinkin *et al.*, *The Bozkurt/Lotus Case*)

In essence, this project raises some interesting and challenging epistemological questions about the nature of how academic work comes into being, and the associated imperative to assert ownership over particular words and ideas. Questions of whether the judgments would be recognised in formal research assessment processes, while openly posed and discussed during workshops, were rather quickly put to one side. Indeed, my impression of these discussions was that there was tangible relief in acknowledging that this project might in some ways be removed from the normal formal constraints and expectations of academic work. Questions related to who contributed what to each judgment, for instance, would seem to conflict with the sense that the judgments emerged from a new collective voice. Interestingly, in this project the momentum has been, on the whole, towards being as inclusive as possible in terms of acknowledging authorship; some groups even wished to name people outside their chamber as contributors to the written judgment.

5. Reflecting on the Experience of Collaboration: A Coordinator's Perspective

As this stage in the project, if asked whether our collaborative methodology is one that ought to be repeated, my reaction as a coordinator of the project would be one of qualified enthusiasm. The practical challenges have undoubtedly been considerable. Creating judgment-writing chambers, and thereby asking virtual strangers to collaborate and write together, has involved both a considerable amount of effort and exhilaration. Asking individuals to work together in chambers depended on a huge amount of good will and a shared desire to overcome the many practical obstacles created by the collaborative methodology. There is no doubt that our project has taken considerably longer than other feminist judgment projects, and that those obstacles played a significant part in this. That said, we have been absolutely inspired and humbled by the fact that our participants have persevered and risen so enthusiastically, and brilliantly, to the challenge that we presented them with. We attribute this both to the simple genius of these projects as a legal methodological tool and to people's genuine enthusiasm for an alternative to the normal isolating ways of doing legal academic work.

The fact that some NGO workers (all with legal expertise) worked alongside academics during the project highlighted the different ways in which these professionals work. Academics expect a slow and steady pace when undertaking a project of this nature; my perception was that activists perhaps found the marathon-pace of academic projects bemusing. NGO workers tend to change their employment more frequently than academics, so a long-term project such as this was not always readily compatible with their working lives. Indeed, of the three NGO workers who were initially placed in chambers, only one was able to remain to the writing stage of the project. Three other NGO workers (or former NGO workers) were invited to workshops as discussants. That said, the NGO workers involved brought a definite sense of purpose to the project; in particular, a pragmatic and ethical insight shaped by working directly with victims and an insistence that the re-written judgments strive for specific practical outcomes. They also served to remind academics that, despite the weighty norms of international law, this project was purposeful, goal-oriented, and about doing international law differently. While "impact" may have come to be something of a dread word in British academia, striving for meaningful change is a common feminist concern.

Chambers composed of members living and working in different countries have faced the greatest practical challenges. Technology has helped to overcome some of the hurdles and provided several platforms on which to collaborate on the judgment. The fruitful sharing of ideas and the joys of working in a team were felt most strongly in groups that found ways to meet and talk regularly. Chambers working via Skype and Google Docs, rather than face-to-face, were at times required to think more functionally about collaboration, which in some cases may have left fewer creative and playful spaces. The chambers that came to us as organisers "fully formed" found the collaborative experience easiest to navigate, both in terms of geographical convenience and theoretical compatibility. The size of chambers has also seemed to have an impact on the effectiveness of the collaboration. Our judgment-writing chambers were composed of 2-5 people (with the exception of two single-authored dissenting judgments). Creating chambers with more than three judges seemed to increase the likelihood of participants dropping out of the project altogether or of contributing less fully to the judgment-writing process. We did appoint a "President" for each chamber who was placed in charge of organising their group, a role we thought would be essential in managing the collaborative process. While deciding to appoint a President had the potential to create a hierarchy in the groups (and perhaps we could have been more creative in choosing the title), we found that in practice there was little evidence of the President carrying greater weight or dominating the process. Indeed, my experience was that many "Presidents" were reluctant to assert themselves over the group and, although we coordinators felt that it was helpful for us to have a point of contact in the group, in hindsight it is certainly possible to

imagine doing a similar project without someone formally allocated this role. In practice, how chambers organised their writing task seemed to develop pretty organically. Group size and the working relationship established by the group actually seemed to have the greatest impact on how smoothly the collaboration went: in groups of larger sizes, some participants may have felt less ownership over, and responsibility for, their judgment.

Writing judgments collaboratively meant that participants have been required to adopt a position that combines certainty with compromise: certainty in the sense that in judgment-writing there is ultimately no room for equivocation (at least not on all issues); compromise, in the sense that the judgment could not possibly be the same as if it were written by any one of the individual judges. Some have assumed that such compromise is a weakness. To return to the words of Heydon:

Compromise and fudge can arise when it may not be possible to secure a single majority judgment, or the widest majority, unless agreements about reasoning are cloaked in language which is so vague or bland or narrow that it represents no judge's actual opinion, and is of no use to future courts in deciding future controversies. (Heydon 2013, p. 216)

Matters of individual style, Heydon suggests, may be crucial to precise expression of ideas. He worries further about individual weakness and how a dominant individual may "push the weaker into submission" (Heydon 2013, p. 216).¹⁰ In the words of Susan Kiefel (currently Chief Justice of Australia's High Court), such views appear "to equate the notion of a judge's independence with individualism, in the sense of standing apart from others"; she continues that such a position "assumes that a judge cannot exercise independence of thought in the act of agreeing with the view of another" (Kiefel 2014, p. 554). Our project has not, however, revealed this level of blandness in the output, nor a tendency to suppress "weaker" voices; rather, for the most part, collaboration has led to a creative combustion of ideas. The normative strictures of international law proved more restrictive of radical ends than collaboration.

Writing alone as a legal academic is undoubtedly a privilege, but perhaps one that, in its solitariness, can serve to disconnect us from the ideas, priorities and concerns of others. The non-hierarchical, respectful, non-dogmatic approach favoured in much feminist methodology did not seem to be entirely precluded by the imperative in judgment writing to reach a decision. As Monk and colleagues have recognised, "human relationships in collaborative projects can be fulfilling and harmonious or fraught with tensions which may or may not be successfully negotiated" (Monk *et al.* 2003, p. 102). Feminists such as Isabelle Gunning have advocated "World-Travelling" as a methodology, in which feminists are called upon to be aware of their own historical positioning, as well as sensitivity to how this effects their interactions with differently-situated women (Gunning 1991-2). Being challenged in their chambers and among the wider group of project participants pushed participants to reflect upon, and moderate, their priorities and ideas about international law *during* the writing process. Although, following the practice of the tribunals in question, most of our judgment writers could have written single-authored dissenting or separate judgments, almost all of the chambers chose not to. In projects such as these we do need to be particularly attuned to a danger that Heydon refers to as "self-hypnosis":

Bright idea can be trumped by brighter idea. The meeting [of judges] can be seduced by suave glittering phrases. Each bright idea, each brilliant phrase, can move the

¹⁰ As evidence of such a "herd effect", he quotes from Lord Hope's account of appearing as a barrister before Lord Diplock:

He didn't allow arguments to develop that he thought had nothing in them and he would sit on you at the very start of an appeal and really cut you short. It was very difficult to get through and his colleagues on the whole did seem to be pretty compliant and didn't really feel that they could speak up if he was saying there wasn't anything in the case, and then you found he wrote the judgment. (Heydon 2013, p. 217)

participants away from what the parties said, from the particular facts of the case, and towards general pronouncements about the future of the law unaided by the submissions or peculiar predicament of the parties. By a process of self-hypnosis those at the meeting can begin to drift from their duty to solve the problem of the parties before the court and begin to regulate the affairs of much wider classes who are not before the court. (Heydon 2013, p. 219)

It does seem that, perhaps more so in academic endeavours such as feminist judgments projects – in which “real” rights, remedies and punishments are not being dished out – that there is the danger (where relevant) of the applicants’ and victims’ voices becoming lost in the enthusiastic desire to foreground important principles. The symbolic nature of these judgments, I suggest, still contain considerable potential import for real individuals. The imperative for these projects is to find ways in their methodologies to ensure that victims are kept at the centre of the process.

In terms of preliminary thoughts about the actual process of judgment writing, I have wondered if this raises the question of the extent to which judges feel ownership over jointly-written judgments, in which their individual voices are submerged into the jointly-created product. Kiefel has suggested that judgment writing is intimately associated with identity, and that judges might experience a sense of loss, “when a judgment they have written is published under the names of all the other judges who have agreed with it, but may not have contributed substantially to it” (Kiefel 2014, p. 554). She points to the new possibilities offered by such a submersion of identity in the pursuit of a common purpose:

I suggest this is more likely to be achieved by discussion in which thoughts and ideas are challenged, rather than by a solitary exercise where the correctness of an idea becomes entrenched. The production of a judgment in which other members of the court will agree is not always an easy task, not least because it may require, to an extent, the suppression of one’s identity in the style and method of expression. (Kiefel 2014, p. 560)

Yet the feminist dimension of our project pointed to an alternative understanding of collaboration – in which “both personal style and narcissistic gratification” are partially surrendered “for the sake of the whole” (Bernays and Kaplan 2004, p. 144) – and decisions are made with an awareness of identities and axes of power. Although writing in the broader context of collaborative research, the thoughts of Monk *et al* echo through our project:

To our way of thinking, our approaches to working together are feminist, in that they are alert to issues of power, to the ways in which research and action can be brought together in the service of women, and are sensitive to context and to diversity among women. (Monk *et al.* 2003, p. 104)

Of course, this may also point us to some questions about the specific nature of judgment-writing in international law: judges in most of these tribunals have fewer opportunities to develop close working relationships with colleagues, come from different countries, with different legal traditions, speaking different language. The unique richness this offers to the process of international law creation is of course without question. While it might also raise questions about whether international judgments are perhaps, consequently, more subject to compromise and imprecision than common law judgments, our project suggests that feminists offer important insights into how the process of writing judgments collaboratively might work.

6. Concluding Thoughts: “much larger than just a collection of judgments”

This collection of rich and diverse essays demonstrates that feminist judgment projects have in recent years gained considerable attention, at least in legal feminist academic spheres, as a significant means of “doing law differently”. Straddling theory and method, they demonstrate in concrete terms the “what if” and “what might have been” were feminism to infuse judicial decisions. As well as venturing beyond the judgments of national courts, the FIJP is also unique for foregrounding in its

methodology the question of collaboration. In this paper I have explored what contribution this approach might make to the feminist judgments model. In particular, I have suggested that there is an inherent and considerable value in creating spaces in academia that prioritise relationships and co-operation and that attempt to create supportive, collaborative environments in which ideas are both shared and shaped.

Hafernik and colleagues have argued for the benefits of research collaboration, suggesting that “[r]esearchers working together enrich the field with their combined insights and wisdom as well as with their ability to grapple with more complicated problems” (Hafernik *et al.* 1997, p. 31). In the words of one of our participants, “... this project is much larger than just a collection of judgments” (Jurasz *et al.*, *AFRC Trial*). I am certain that this project will be one of the highlights and defining experiences of my academic career. Yet we did have to find a great deal of energy to create this space: the project was unfunded and its impact does not fit into neat categories. Indeed, somewhat ironically perhaps, I have written this article on collaboration alone, without my fellow coordinator, largely due to time constraints and other imperatives of academic work. I have now written collaboratively a number of times and while each occasion has undoubtedly been very rewarding, it is also hugely time-consuming to do the work of fitting ideas and perspectives together and shaping a new viewpoint. Perhaps I was also not prepared to make the inevitable compromises on this occasion: I think there is a time and place – indeed, an imperative – for lone reflection in an epistemology that centres collaboration. The energy that feminist judgment projects are generating is undeniable, and ours has certainly been no exception. Their direct impact is, however, less easy to pinpoint. In terms of the judgments’ contribution to developing the law, many of our chambers have felt more constrained by the weighty traditions and norms of international law than we perhaps anticipated. Attempts to disrupt the discipline were in many cases rather gentle: participants have been concerned with being taken seriously as feminists, keen to be seen in their judgments to be offering a “plausible alternative”. I hope that in this paper I have raised some issues with respect to the potential importance of collaboration in the on-going process of challenging the inherent assumptions of biases of international law. Yet this is hard, against-the-grain, work and resistance that is all too frequently a lonely endeavour. Ultimately, there has been a sense of relief in the camaraderie we experienced. In the words of Adrienne Rich in her poem *Sources* (1983):

There must be those among whom we can sit down and weep,
and still be counted as warriors.

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