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Darren Rosenblum
Pace University School of Law, drosenblum2@law.pace.edu

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After Gender?: Examining International Justice Enterprises An Introduction

Darren Rosenblum*

Pace Law School founded its Women's Justice Center nearly two decades ago, and since then the school has built a reputation for work on sex, gender, and women's rights. Continuing its commitment to these critical issues, the school hosted *Pace Law Review*'s Symposium, *After Gender?: Examining International Justice Enterprises*, on November 12, 2010.

When I first proposed this Symposium, I had been writing on international legal regimes related to sex, gender, and sexuality. My work engaged the preeminent international convention concerning these issues, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), a critique I published as *Unsex CEDAW: What's Wrong with Women's Rights*.[1] I questioned the juridical entrenchment of sex differences and how a binarist sex identity undermines gender equality remedies. I concluded that a non-identity-based right to sex equality would benefit people of all sexes more than a women's rights regime.

At the same time, this controversial thesis proved troubling—it provoked heated disagreement and raised related questions about equality, identity, and international law. What

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* Professor of Law, Pace Law School. Thanks to all the contributors to this Symposium, including Noa Ben-Asher, Mary Anne Case, Robert S. Chang, Adrienne D. Davis, Elizabeth F. Emens, Karen L. Engle, Katherine M. Franke, Aminu Hassan Gamawa, Suzanne B. Goldberg, Tracy Higgins, Ratna Kapur, Helen Kinsella, Sally E. Merry, Alice Miller, Dianne Otto, Teemu Ruskola, Edward Stein, Lara Stemple, and Ralph Wilde. Special thanks to Dean Michelle Simon and Academic Dean Bridget Crawford for their generous support for this conference, and to the *Pace Law Review* and its exceptional Editor-in-Chief, Matthew Collibee.

1. Darren Rosenblum, *Unsex CEDAW, or What's Wrong with Women's Rights*, 20 COLUM. J. GENDER & L. 98 (2011).

costs do international women's human rights carry for broader equality projects? Who wins, who loses, and how can we face some of the ugly truths about power and rights discourse? Thinking prospectively, may we envision structures to further equality norms that avoid identitarian traps?

When I asked these questions, more than a few others were simultaneously engaged by the questions and isolated in their musings on the answers. I sought to foster a critical mass on these crucial matters with this Symposium. I was especially fortunate to have the institutional support to gather a multidisciplinary international conference of contemporary thinkers to ponder these challenges.

Such challenging questions required breaking the "talking heads" mold to encourage collective analysis. As such, the Symposium was a series of four conversations around these themes, followed by Janet Halley's Keynote Address, Pace's 2010 Dyson Distinguished Lecture. The four conversations were: (1) What Role for "Women," "Men," and Transpeople/Intersex People in Gender Equality?; (2) Human Rights Beyond Sex and Gender; (3) Gender and the Establishment of Human Rights; and (4) Prospects for International Gender Norms. Each group conversed in advance of the panel to construct themes to bring forward fruitful responses. The first panel unearthed critical questions about the limitations of identity in understanding sexuality, sex, gender, and race. The second panel considered these questions with an international lens on the role of sexuality in gender equality considerations. The third panel assessed established gender regulation's flaws. The final panel looked toward imagining gender equality unburdened by identitarian constraints. The panelists' honest and creative reflections in these conversations were invaluable. Janet Halley concluded these discussions with her fearless approach in confronting the limits of gender equality theory and practice. Her wonderful remarks probed interlocking controversies that furthered each of our conversations.

The various components revealed fascinating aspects to

these critical debates.[2] The articles and essays in this book are meant to advance the ongoing nature of these conversations and reflect the hard work that the authors put into preparing their engagements. The Editors and I were thrilled that several participants labored to convert these conversations into compelling scholarship that will undoubtedly help shape the field. Having read this ensemble of audacious but nuanced commentary, I believe it is a collection without peer in recent years.

Matters of sex, sexuality, and gender, particularly at the international level, continue to provoke more fire than light. Advances may blind us to unintended consequences. The real risk resides in avoiding such hard questions and raw truths, but when we do find answers, we must use them to challenge ourselves all over again.

2. Indeed, the conversations may be viewed in full on Pace Law School's website. *After Gender? Examining International Justice Enterprises*, PACE L. SCH. (Nov. 12, 2010), http://www.pace.edu/school-of-law/news-events/colloquia-symposia-special-events/after-gender-examining-international-justice-enterprises.