

#### RESEARCH ARTICLE

# Abandoning the idealized white subject of legal feminism: A manifesto for silence in a Lusophone register

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#### **Abstract**

Through an account of white feminisms and white privilege, this article examines the tensions between local and international knowledge frames. The article considers the possibility of a feminist approach to global constitutionalism and argues for a twofold critique: first, a feminist interrogation of the dominance of a specifically male history of Western and Anglo-European knowledge frames; and second, a self-critique within feminist approaches to global legal regimes that acknowledges the complicity of mainstream feminist tools in the racist histories of knowledge production. To this end, the article examines the space of gender expertise to explore how this can be both an aperture for plural feminist encounters and a refinement of diverse feminist approaches into a form digestible by the contours of international institutions. To explore alternative, decolonized encounters, the article centres Lusophone African feminist silence and action in Luanda, the capital of Angola. The article explores how Angolan gender relations, informal labour and histories of protest unsettle the frame of a feminist manifesto, to argue for a place for active silence as a methodology for undoing the status quo of global constitutional expectations of how knowledge arrives at the global and transnational levels.

**Keywords:** Angola; feminist manifesto; Lusophone African feminism; racism in feminism; white feminism; white privilege; Zungeiras

# I. Introduction

To quote Houghton and O'Donoghue, 'the question "better for whom" is seldom asked' in the work of global constitutionalists. Here we ask these questions of feminisms within international law, following Houghton and O'Donoghue's recognition of 'feminist communities ... in a constant state of reflection and change'. If feminisms – always plural and dynamic – articulate a methodology of inquiry, critique and undoing (undoing the status quo, undoing binarized knowledge, undoing subjectivity, undoing structural biases), a

<sup>&</sup>lt;sup>1</sup>R Houghton and A O'Donoghue, "Ourworld": A Feminist Approach to *Global Constitutionalism* (2020) 9(1) *Global Constitutionalism* 38–75.

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haunting question remains of whether a feminist manifesto can be written.2 Here we explore whether silence is a manifesto and whether it can be active and productive, while acknowledging that, when speaking out is necessary, silence can become a form of complicity. As such, this article asks a preliminary question of feminist constitutionalisms to consider the possibilities of writing beyond a manifesto of white feminisms. Together we seek to construct feminist constitutionalism as a project that might interrogate what lies beneath, the deep silences of the oceans of the Middle Passage,<sup>3</sup> the cross-currents of feminist organizing on the African continent,4 feminisms from the ocean of islands in the Pacific,<sup>5</sup> the routes (and roots) of feminist knowledge in East, South East and Central Asia, Arabic and Islamic feminist histories, and the transnational memory, nonterritorialized, of feminist protest and action that agitate behind the histories of feminist waves in the West.8 We respond to the silences that Houghton and O'Donoghue acknowledge as 'not always listened to' and ask not only for a looking beneath the silence that surrounds recognition of diverse feminist traditions within constitution writing and manifesto projects, but a simultaneous production of active silences to make the space, to change, to reflect and to educate from within as a feminist methodology deeply intertwined with feminist messages. As feminist constitutionalist projects ask this of mainstream scholars, in this article we interrogate how that state of flux and self-imposed silence to make spaces for learning, and re-learning, might also be important within feminist communities.

Given the diversity and richness of feminist ways of knowing, we focus on Lusophone feminism, and the specific example of Angolan feminist thought, to illustrate how a silencing of mainstream feminist approaches within feminist legal writing is not a disavowal, but rather a mechanism for knowing with greater nuance the possibilities that diverse feminist understandings bring to law and to global constitutionalism in particular. Feminist organizations in Angola are at the forefront of political activism in Angola, they shape contemporary conversations taking place on rights, on governance,

<sup>&</sup>lt;sup>2</sup>P Singh, 'Reading the Silences Within Critical Feminist Theory' in P Freebody, S Muspratt and A Luke (eds), Constructing Critical Literacies (Hampton Press, Cresskill, NJ, 1997) 77–94; JW Scott, The Fantasy of Feminist History (Duke University Press, Durham, NC, 2011).

<sup>&</sup>lt;sup>3</sup>HJ Spillers, 'Mama's Baby, Papa's Maybe: An American Grammar Book' (1987) 17(2) Culture and Countermemory: The 'American' Connection 64–81.

<sup>&</sup>lt;sup>4</sup>S Tamale, *Decolonization and Afro-Feminism* (Daraja Press, Ottawa, 2020); Charmaine Pereira, 'Feminist Organising: Strategy, Voice, Power' (2017) 22 *Feminist Africa* 16.

<sup>&</sup>lt;sup>5</sup>J Hamilton-Faris, 'Sisters of Ocean and Ice, On the Hydro-feminism of Kathy Jetnīl-Kijiner and Aka Niviâna's Rise: From One Island to Another' (2019) 13(2) *Shima Journal*, available at <a href="https://www.shimajournal.org/issues/v13n2/08.-Faris-Shima-v13n2.pdf">https://www.shimajournal.org/issues/v13n2/08.-Faris-Shima-v13n2.pdf</a>.

<sup>&</sup>lt;sup>6</sup>S Jackson, J Liu and J Woo (eds), East Asian Sexualities: Modernity, Gender and New Sexual Cultures (Zed Books, London, 2008); A Loomba and RA Lukose (eds), South Asian Feminisms, (Duke University Press, Durham, NC, 2012); Y Corcoran-Nantes (ed), Lost Voices: Central Asian Women in Transition (Zed Books, London, 2005).

<sup>&</sup>lt;sup>7</sup>S Khamis and A Mili (eds), *Arab Women's Activism and Socio-political Transformation: Unfinished Gender Revolutions* (Palgrave Macmillan, London, 2018); H Azam, 'Islamic Feminism Between Islam and Islamophobia (2018) 14(1) *Journal of Middle Eastern Women's Studies* 124.

<sup>&</sup>lt;sup>8</sup>S Helmreich, 'The Genders of Waves' (2017) 45 (1/2) *Women's Studies Quarterly* 29–51; T Oren and A Press, 'Introduction' in Tasha Oren and Andrea Press (eds) *The Routledge Handbook of Contemporary Feminism* (Routledge, London, 2020); R Baksh and W Harcourt (eds), *The Oxford Handbook of Transnational Feminist Movements* (Oxford University Press, Oxford, 2015); JN Ifechelobi, 'Feminism: Silence and Voicelessness as Tools of Patriarchy in Chimamanda Adichie's Purple Hibiscus' (2014) 8(4) *Africa Research Review* 17–27.

and on violence. However, Angolan feminist organizations are predominantly seen as civil society organizations assumed to be speaking to a local set of traditions and spaces of governance. Together with our readers, we want to explore what a silencing of knowledge of Western feminist traditions exposes about the hoisting of the local into the global and which knowledge histories compel re-learning as a result. For the most part, Angolan feminist organizations occupy a space and cater to a need that focuses on deliverable services, such as sexual health. Nevertheless, the root of the issues – whether sexual health, labour rights or violence against women – is where Lusophone African feminists are shaping the conversation to balance the synergy of need and responsibility. Ondjango Feminista is one of these organizations. Cutaia and Luiza explain that:

Ondjango was born at a time when feminism was being talked about online, between 2015 and 2016. While this discussion was advancing in other countries, we were starting it here. To this day the term feminist is demonized and frowned upon. Feminism is not accepted also because people say it is imported. 'It's a westernized concept, it has nothing to do with African culture.' <sup>10</sup>

It is this conversation that requires us to ask what we consider of resistance, of justice, of activism, and how the silencing has shaped the strategies of African feminists, in particular Lusophone African feminists. This resistance is centred on the continuous need to avoid reducing African women's struggle to a localized political discourse. <sup>11</sup> In this article, we contemplate a silence that works for women – a manifesto for silence that speaks on the positioning of the Lusophone African experience as a talisman for ways of doing and knowing feminist manifestos that, in the words of Houghton and O'Donoghue, are in revolt. <sup>12</sup> In an active mode of doing and undoing, we draw on Angolan women's writing from within the larger Ondjango Feminista to interrupt the way of reading within academic journals such as *Global Constitutionalism* and to silence the Western feminist need to appropriate, name, organize, shape and reorientate that which is strange. The insertions are left free floating throughout the text, but they mirror many of the arguments we make and inform our thinking.

The official history of women's organizing in Angola is conflated with that of the Angolan Women's Organization (OMA), the women's wing of the MPLA. Created on 2 March 1962 with the objective of mobilising women around the nationalist liberation struggle, OMA was instrumental in ensuring that women were involved at all levels of political organising within the MPLA.<sup>13</sup>

This is to be contrasted with the waves of Western feminism that have prioritized women's rights, protecting women and counting women's difference in a manner that historically has produced gains for elite women at the cost of change for women outside of

<sup>&</sup>lt;sup>9</sup>'Interview: Challenges Faced by Feminism in Angola, Capire', available at <a href="https://capiremov.org/en/interview/challenges-faced-by-feminism-in-angola">https://capiremov.org/en/interview/challenges-faced-by-feminism-in-angola</a>>.

<sup>10</sup> Ibid.

<sup>&</sup>lt;sup>11</sup>B Sahin and SL Kula, 'What Women Want Before Justice: Examining Justice Initiatives to Challenge Violence Against Women in the DRC' (2018) 12(2) International Journal of Transitional Justice 309.

<sup>&</sup>lt;sup>12</sup>Houghton and O'Donoghue (n 1) 44.

<sup>&</sup>lt;sup>13</sup>Â Mouzinho and S Cutaia, 'Reflections on Feminist Organising in Angola' (2017) 22 Feminist Africa 33, 35.

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elite spaces. 14 While this is not a manifesto that challenges women's rights, protection from gendered harms or women's participation as important agendas, our investigation goes deeper to ask how a specific set of understanding of rights, of law and of governance infiltrates international and global conceptions of feminist agendas. As such, we deploy the idea of a manifesto for silence in multiple ways. First, we argue that a manifesto for silence holds the possibility of understanding how silence has been used as a mechanism to speak to power within feminist traditions. Here we think of Kashmiri women standing with their banner proclaiming 'Indian Army Rape Us', 15 or the power of naked protest that permits the body to speak when words have been unheard in Uganda, 16 with the marches of Angolan women proclaiming their rights in the market, on the streets. Silence as a device within diverse sites of feminist protest draws out the embodied ways in which gender violence infiltrates communities and leaves a lasting resonance of how gendered harm is carried in communities. To learn from diverse feminist traditions of protest, of speaking with the state through the body and without words, undoes expectations about feminist protest in the West that have offered relied on very narrow tropes to establish who belongs, who speaks and which demands form any manifesto for change. 17 We use the protests and activism of Angolan feminists and their Lusophone sisters to ask for a manifesto that is curious enough to explore the ways in which their voice might be re-thought and how silence might be a feminist tradition. Second, we wish to render visible how the claiming of authority and expertise by dominant feminist voices potentially strips agency from others, silencing alternative feminist knowledge histories and ways of knowing and being in the world. Our analysis draws on an account of white feminisms to think about the spaces between dominant feminist knowledge and diverse feminist knowledges. Finally, we use silence as a motif and method to bring white feminisms into conversation with the diverse feminisms from which we learn, to ask how a manifesto for silence might be a space of learning, more than token footnotes of diversity, towards a feminist literacy that is thoughtful in when it chooses to listen, learn, be wrong and be silent.

Women in the other two liberation movements, UNITA and FNLA, also played an important role in the anti-colonial struggle. Like OMA, these women were organised in women's wings of political parties, namely the Angolan Women's League (LIMA) and the Angolan Women's Association, (AMA), respectively.<sup>18</sup>

With this mindfulness of feminist methodologies beyond Western feminist modes, this article offers a critique of white and mainstream feminisms, and their relation to political whiteness, to challenge the persistence and pervasiveness of specific feminist modes of law reform within feminist legal approaches to international law.<sup>19</sup> We reflect on the methodologies of feminist approaches within international law to develop feminist

<sup>&</sup>lt;sup>14</sup>Pereira (n 4).

<sup>&</sup>lt;sup>15</sup>S Madhok, 'Coloniality, Political Subjectivation and Gendered Politics of Protest in a "State of Exception" (2018) 119(1) Feminist Review, available at <a href="https://doi.org/10.1057/s41305-018-0121">https://doi.org/10.1057/s41305-018-0121</a>.

<sup>&</sup>lt;sup>16</sup>S Tamale, 'Nudity, Protest and the Law in Uganda' (2017) 22 Feminist Africa, available at <a href="https://feministafrica.net/wp-content/uploads/2019/05/fa22\_inaugural\_lecture.pdf">https://fa22\_inaugural\_lecture.pdf</a>>.

<sup>&</sup>lt;sup>17</sup>Akwugo Emejulu, 'On the Problems and Possibilities of Feminist Solidarity: The Women's March One Year On' (2018) 24(4) Forward March: the Next Destination for Feminism in Progressive Review 267.

<sup>&</sup>lt;sup>18</sup>Mouzinho and Cutaia (n 13) 35.

<sup>&</sup>lt;sup>19</sup>S Nuttall, 'Subjectivities of Whiteness' (2001) 44(2) African Studies Review 115–140.

understandings of global constitutionalism that are, to draw on Houghton and O'Donoghue again, reflective, learning and co-constitutive, and with a mindfulness of the eighth item in the feminist manifesto held together via a right to revolt. 20 We argue that attention to methodologies is of specific importance in 'global' and 'international' feminist projects that have a record of reproducing thin accounts of feminism within law reform strategies, in particular through relying on the methodologies and approaches of US radical, cultural and liberal feminisms.<sup>21</sup> As such, we work to develop an account of a feminist manifesto for global constitutionalism that actively seeks to decentre the histories and methodologies of privilege in feminist legal theories. We examine the need for white feminists, whether aligned with white feminist histories or not, to examine their own assumed values, and to operationalize anti-racist feminisms through silencing their own needs, recognizing the additional privileges they experience while interrupting their own practices to facilitate and imagine different feminist futures.<sup>22</sup> As such, our focus is an interrogation of the modes and methods that lie beneath - a manifesto of sorts contemporary feminist approaches with a view to rethinking the scope of feminist approaches to global constitutionalism and their transnational possibilities. We imagine this manifesto as learning from TWAIL siblings and their forays into global constitutional dialogues, which have been described as a critique of the 'the supposed liberal universalism of global constitutionalism'.23 We argue that there can be no feminist manifesto without deeper interrogation of the assumed values embedded within existing projects, while writing in a specific account of Lusophone feminisms in Africa - drawing on Angolan feminist activism - is as good a place as any to begin.<sup>24</sup> Our approach speaks to feminist legal scholars working in international law, who rarely speak to the field of global constitutionalism, and our approach speaks with the few scholars within global constitutionalism who have asked about the location of the Global South within the field of study. In the latter scholarship, a similar starting point to ours is articulated when Kumar writes that, 'The production of global constitutional theory by global constitutionalists involves the active non-production of the Global South – as an object or as a subject – of the global legal order.'25 This silence in the discipline, we argue, is reproduced within feminist scholarship if the methodologies and knowledge histories of diverse feminist approaches are not centred to silence the reproduction of Global North selfunderstandings of the discipline. This is particularly important if global constitutionalism is understood as the meeting point of comparative constitutionalism and international law. We ask, then, what local contestations around law and governance, provoked by Angolan feminist networks, bring to the international and the global; silencing feminists and the larger discipline which might learn and listen.<sup>26</sup>

<sup>&</sup>lt;sup>20</sup>Houghton and O'Donoghue (n 1) 44

<sup>&</sup>lt;sup>21</sup>G Heathcote, Feminist Dialogues on International Law: Successes, Tensions, Futures (Oxford University Press, Oxford, 2019) 1–25.

<sup>&</sup>lt;sup>22</sup>V Ware, Beyond the Pale: White Women, Racism and History (Verso, London, 1992).

<sup>&</sup>lt;sup>23</sup>A Lang, 'Global Constitutionalism: A Practical Universal' (2021) 10(2) Global Constitutionalism 367–375.

<sup>&</sup>lt;sup>24</sup>AMD Martins, Gender and the "Postcolonial Exotic" (2013) 48(1) *The Journal of Commonwealth Literature* 145–158.

<sup>&</sup>lt;sup>26</sup>On local contestations and their relationship to global constitutionalism, see A Wiener, *Contestation and Constitution of Norms in Global International Relations* (Cambridge University Press, Cambridge, 2018).

The article commences with an analysis of the term 'white feminism' and what is leveraged via the term (or accusation) beyond a statement of identity to recognize a series of methodological claims that remain insufficiently challenged in many white and mainstream feminist spaces, predominantly - but not only - in the West. We regard this as an important adjunct to growing awareness of the need to centre the intersection of race and gender within feminist writing on international law and the identification of the absence of non-Western frames within global constitutionalist scholarship.<sup>27</sup> In particular, we consider the rise of gender expertise within global institutions and apply our theoretical claims to articulate what a manifesto for silence means in practice as an active unlearning, a making of space and a recognition of who is silenced when gender expertise is claimed or spoken into existence. We reflect on the tension within feminist institutionalisms, where there is a requirement to simultaneously appease the existing structures and processes of the institution while acknowledging the fraught and limited feminist modes permitted to enter global institutional spaces - from the Security Council to feminist working groups, gender experts, gender advisers and UN Women. 28 These often become spaces of adding women, gender and/or feminist agendas to the existing institutional frameworks rather than opening the institution/s to plural feminist methodologies. It is rarely reflective of the lived experiences of the women whose voices are used. As such, a thin version of feminist values can, arguably, be regarded as a stable component of the larger 'normative commitments' of an emergent global constitutionalism.<sup>29</sup> We argue that a feminist constitutionalist project in global spaces must build and articulate methodologies for interrogating international institutions and their knowledge histories, including the histories of feminist thought and engagement permitted entry into global spaces. This is a shaping and mapping project that engages global constitutionalism with an assumption of this as a pluralist legal inquiry.<sup>30</sup> Section IV thus turns to Lusophone African feminisms to think as far from mainstream global constitutionalism and mainstream feminist accounts as possible, in order to ask what methodologies, what knowledge histories and which silences are valuable when our accustomed ways of doing are silenced.

The article concludes with a call for active silence and a manifesto for feminist action that builds on knowledge that is anti-racist and conscious of its own relationship with power. We argue that this is not a manifesto for a utopia, but one that holds the history of feminist peace, feminist labour and feminist anti-racism as active histories of reimagining social relations via the interventions of transnational feminisms, opening apertures for further learning and unlearning through queer, postcolonial, Indigenous and disability studies in dialogue and simultaneously providing a critique of mainstream, white, Western feminisms. We write as two colleagues working in the Global North but with complex positionalities of our own, simultaneously white and Western in education, but also African, antipodean, Lusophone, settler colonial, feminist and committed to listening to each other's diverse journeys toward authoring for this journal. We write in conversation with each other and in reflection of the power dynamics and limitations, through

<sup>&</sup>lt;sup>27</sup>Lang (n 23).

<sup>&</sup>lt;sup>28</sup>ML Krook and F Mackay (eds), Gender, Politics and Institutions: Towards a Feminist Institutionalism (Palgrave Macmillan, London, 2011); S Kouvo and Z Pearson (eds), Feminist Perspectives on Contemporary International Law: Between Resistance and Compliance (Hart, Oxford, 2011); Catherine Rottenberg, 'The Rise of Neoliberal Feminism' (2014) 28 Cultural Studies 418–37.

<sup>&</sup>lt;sup>29</sup>A Wiener, AF Lang, J Tully, M Poiares Maduro and M Kumm, 'Editorial – Global Constitutionalism: Human Rights, Democracy and the Rule of Law' (2012) 1(1) Global Constitutionalism 1–15, 7.
<sup>30</sup>Ibid 9.

language, borders and knowledge presented through our engagement with feminist legal scholarship.

# II. Approaching white feminisms

The article as a whole hinges on Kula's knowledge of Lusophone feminisms in Angola and the Democratic Republic of the Congo. The dominant international lawyerly interest in the region is both gendered and racialized, as a site of multiple conflicts and as a harbinger of the gendered violence of war through discourse on conflict-related sexual violence. While this scholarship is vital, when it is understood as the only international legal understanding of Lusophone Africa, a damaging silence occurs. We therefore write of Angolan feminisms as an act of unsilencing and a call for quietness from those who think they know. While many examples of feminist protest, violence and manifestos for change might have been our choice, the specificity of Lusophone African states draws into view the ways in which global discourses precede our intervention, having already constructed the Global South as not international or of concern to international law other than as a site of insecurity and of gendered violence. This is de Sousa Santos's 'sociology of absence', where 'the inadequacy of local resistance in a globalized world' silences the possibility of alternative readings. 31 We draw out the relevance of this understanding for mainstream and white feminist approaches in this section, including the need for recognition of the convergences between white feminisms and white supremacy.<sup>32</sup>

Our call for white feminist silence is twofold.<sup>33</sup> First, this requires an active inquiry into the silent manifestos, beliefs and assumptions that inform mainstream, white feminist spaces from expectations of where expertise lies and which debates are central to how knowledge is understood. Second, active silence requires time to understand and learn from alternative feminist knowledge practices, their histories and their contemporary challenges to the ways in which feminist engagements with international law are currently formed. This, then, is distinct from white feminist silences that reproduce existing silences within international legal scholarship, as an active silence is a space of recognizing what is not known, what is absent, and investing in relearning. In this section, we begin by naming what we mean by white feminism as an academic term that has emerged as a means of interrogating significant recent activist projects, such as the #MeToo movement,<sup>34</sup> as well as the wider intellectual engagement with whiteness within feminist histories.<sup>35</sup> Explicit discussions and naming of white feminism within international law have thus far silenced a specific racialized naming of a phenomenon understood in wider feminist literature, which we discuss here. This opens the space for us to examine Lusophone feminisms and the spaces of absence and silence within dominant feminist frames.

<sup>&</sup>lt;sup>31</sup>B de Sousa Santos, 'Epistemologies of the South and the Future' (2016) 1 From the European South: A transdisciplinary Journal of Postcolonial Humanities 17–29.

<sup>&</sup>lt;sup>32</sup>MP Bell, D Berry, J Leopold and S Nkomo, 'Making Black Lives Matter in Academia: A Black Feminist Call for Collective Action Against Anti-blackness in the Academy' (2021) 28 *Gender Work Organisation* 39–57.

<sup>&</sup>lt;sup>33</sup>For an analysis of silences within the techniques of legal reasoning within international law, see H Quane, 'Silence in International Law' (2014) 84(1) *British Yearbook of International Law* 240–270.

<sup>&</sup>lt;sup>34</sup>A Phipps, Me, *Not You: The Trouble with Mainstream Feminism* (Manchester University Press, Manchester, 2020); Emejulu (n 17).

<sup>35</sup>See Ware (n 22) 1-46.

We refer to white feminists and white feminisms to invoke a specific history of feminist interventions within international institutions. This is not an accusation addressed to all white women, in the sense that we would regard such a reading as confusing identity politics and the categorization of personal traits with theoretical positionings. Ware articulates this as an interrogation of 'the construction of white femininity' and its role in 'negotiating and maintaining concepts of racial and cultural difference'. 36 Similarly, we do not regard it necessary for feminists to be women, given the association of the category 'woman' with the corset of binary gender. However, the identification of white feminism as a thing is a recognition that whiteness carries privileges, whether acknowledged, spoken or recognized by white feminists. This is not merely a semantic exercise, but rather requires the naming of white feminist gains and blindness from a proximity to white supremacy. Bell et al define white supremacy as 'an institutional system of power that normalizes, privileges and maintains whiteness and white advantages in all spheres of life'. 37 They argue, moreover, that the omnipresence of white supremacy is 'built into the foundations of everything we do, having become normalized and invisible, and will thus take concerted, collective actions to make visible and break down'. 38 Bhatia's analysis of the silencing of Indigenous internationalism draws similar conclusions from within the traditions of critical legal approaches to international law.<sup>39</sup> Bhatia's articulation of the Fourth World, and its relevance to critical international lawyers and understandings of global governance, finds that

what is specifically needed are the stories of resistance that dialogue between old and new social movements, that are made integral to a theory of resistance to international law, that navigate between liberal optimism and left pessimism, and that strike alliances with other critics of neoliberal approaches to international law by getting to know and understand each other's stories, struggles, and strategies.<sup>40</sup>

This is a similar naming project to the work of scholars who name 'the profound effects and legacies of colonialism on the global legal order' to shift toward, in the words of Kumar, 'a fundamental reimagining of the world of Global Constitutionalism'. <sup>41</sup> In articulating the manners in which mainstream legal and institutional interventions into the international arena emerge from a specific political history framed through the optics of Anglo-European knowledge, co-opted into histories of violence and elaborated in traditionally white spaces without recognition of the implications of whiteness, we locate mainstream international feminist thought within rather than outside of whiteness while consciously acknowledging the histories of feminist knowledge production beyond Western frames.

Although OMA continued to lead the articulation of women's rights in and on behalf of Angola until the late 1990s, this decade saw the emergence of many thematic CSOs focusing on the issues of women. They started engaging with the state on issues pertaining to women's rights, much in line with the global agenda for women's rights

<sup>&</sup>lt;sup>36</sup>Ware (n 22) 4.

<sup>&</sup>lt;sup>37</sup>Bell et al (n 32) 42.

<sup>&</sup>lt;sup>38</sup>Ibid 51

<sup>&</sup>lt;sup>39</sup>A Bhatia, 'The South from the North: Building on Critical Approaches to International Law with Lessons from the Fourth World' (2012) 14(1) *Oregon Review of International Law* 131–75.

<sup>&</sup>lt;sup>40</sup>Ibid 173.

<sup>&</sup>lt;sup>41</sup>Kumar (n 25).

at the time ... This was the case with Rede Mulher (Women's Network), the first women's civil society organisation in the country, founded in 1994 (although only officially registered in 1998).<sup>42</sup>

Our understanding of gender is to explore its role as a verb, doing things, in institutions, through both symbolic and structural assumptions about gendered lives and gendered meanings. In using the term white feminisms we distinguish it as otherwise a feminism that prioritizes gender to the exclusion of other vectors of power and, often, uses gender to reproduce other sites of privilege in a civilizing fashion. In this sense this is not an identity formation but a space of theorizing and law making, that is unconscious of its whiteness and thus the explicit naming of white feminism invokes, names and recognizes the racialized contours of the invisibility of whiteness.<sup>43</sup> For Jonsson the naming of white feminisms requires that 'white feminists must relinquish control of the feminist narrative and stop moving on from the topic of white feminist racism'.<sup>44</sup> To theorize the relinquishing and how this might happen in feminist legal spaces, we consider active silence as a means by which alternative feminisms can flourish. We specifically identify the use of silence within Angolan feminist spaces, exploring how silence operates on multiple levels.

Given the Angolan government's history of repression of dissent, it is not surprising that many women's CSOs strategically adopt a cooperative approach to women's rights advocacy, positioning themselves exclusively as partners as opposed to critics of the government ... It is this lack of political and politicized engagement with the issues of women's rights that prompted the creation of Ondjango Feminista.<sup>45</sup>

Constructions of whiteness in academic writing tends towards accounts that identify whiteness within dominant feminist discourses, while underplaying the 'masking, concealment, transfiguration, and secrecy on the one hand, and with the politics and practice of visibility'. As such, we consider political whiteness as more than an identity marker but also more than a need to theorize through key critical feminist approaches, including intersectionality, multi-consciousness or world-travelling, as important as these – largely American – critical race feminisms have been. To recognize the role of political whiteness within international legal institutions and the constitution of global political and legal tools requires an undoing of the space of non-knowing, of assumed authority and of the simultaneous rendering of women in the Global South as visible only as victims. This is without denying knowledge frames as a contribution in and of itself, without filtering them through the lens of existing feminist frames, which have a specific political legal history that remains unannounced. As an intervention into the space of global

<sup>&</sup>lt;sup>42</sup>Mouzinho and Cutaia (n 13) 36.

<sup>&</sup>lt;sup>43</sup>G Lewis, 'Presence Through Violence' (2017) 117 Feminist Review 1-17.

<sup>&</sup>lt;sup>44</sup>T Jonsson, Innocent Subjects: Feminism and Whiteness (Pluto Press, London, 2019).

<sup>&</sup>lt;sup>45</sup>Mouzinho and Cutaia (n 13) 39.

<sup>46</sup> Nuttall (n 19) 115-40.

<sup>&</sup>lt;sup>47</sup>J Nash, 'Rethinking Intersectionality' (2008) 89 Feminist Review 1.

<sup>&</sup>lt;sup>48</sup>M Matsuda, 'Liberal Jurisprudence and Abstracted Visions of Human Nature: A Feminist Critique of Rawls' Theory of Justice' (1986) 16 *New Mexico Law Review* 613; M Matsuda, 'When the First Quail Calls: Multiple Consciousness as Jurisprudential Method'(1989) 11 *Women's Rights Law Reporter* 1.

<sup>&</sup>lt;sup>49</sup>I Gunning, 'Arrogant Perception, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries' (1991–92) 23 Columbia Human Rights Law Review 189.

constitutionalism, this article therefore provides a starting point for engagement as the space of unravelling what we think we know about global feminist knowledge – not only asking about the gendered silence of the global order but also questioning the racialized and gendered meanings, which are often so entrenched that they are ultimately hidden from view. Houghton and O'Donoghue's right to revolt is not something that happens after the manifesto, or after the constitution, or after feminisms' arrival at the decision-making table, but is rather a methodology central to and within feminist praxis.<sup>50</sup>

We conceptualised the creation of a feminist space that represented the traditional values of an *ondjango* – the Umbundu word for the place where the family or community meets to share stories and to solve problems ... by naming the space the 'Ondjango Feminista', we were subverting the tradition that an *ondjango* had to be convened by an elder male person and reclaiming a space for women's agency.<sup>51</sup>

As an intervention into global constitutionalism, our approach is a necessary trajectory for gender law reform. That is, if earlier interventions into law spoke to power/international law through a language they understood – from saving women to identifying women's agency – a plural feminist knowledge both rejects the mechanisms through which international institutions have co-opted and incorporated feminist methods and uses those apertures (footholds) of arrival in global 'halls of power'<sup>52</sup> to open the doors of the United Nations to additional voices.<sup>53</sup> While this might be listening to feminists otherwise furthest from a white feminist everyday, this is also a recognition of feminists that are already in conversation on the streets, in the home, in kitchens, in the market, in the academy, across disciplines, otherwise out of sight - those whose knowledge frames need to be learnt, perhaps re-learnt, to fully understand the meaning of feminist praxis. Lusophone African feminists, we argue, are positioned outside of dominant white feminist agendas, being both silenced and a cause for a manifesto of silence within white feminisms. Lusophone African feminists integrate the Lusophone experience of being left out of the scholarship to better understand the conditions of colonial subjugation in their communities, to analyse, identify and establish in a non-arbitrary way the impact of this vulnerability on feminist knowledge. Tagny identifies similar tensions within women's movements in West Africa:

The information debates and exchanges on feminism online are dominated by Anglophone Northern voices. If we take a closer look at the continent, we see it is dominated by African Anglophone countries, due in part to their linguistic proximity with wider transnational women's rights and sexual rights movements who use English as their lingua franca.<sup>54</sup>

<sup>&</sup>lt;sup>50</sup>Houghton and O'Donoghue (n 1).

<sup>&</sup>lt;sup>51</sup>Mouzinho and Cutaia (n 13) 39.

<sup>&</sup>lt;sup>52</sup>J Halley, 'Rape at Rome: Feminist Inventions in the Criminalization of Sex-Related Violence in Positive International Criminal Law' (2009) 30 *Michigan Journal of International Law* 1–123.

<sup>&</sup>lt;sup>53</sup>D Otto, 'The Exile of Inclusion: Reflections on Gender Issues in International Law Over the Last Decade' (2009) 10 *Melbourne Journal of International Law* 11–26.

<sup>&</sup>lt;sup>54</sup>C Tagny 'Feminism Online in West and Central Africa: Identities and Digital Colonisation' Gender IT, 31 May 2016, available at <a href="https://genderit.org/articles/feminism-online-west-and-central-africa-identities-and-digital-colonisation">https://genderit.org/articles/feminism-online-west-and-central-africa-identities-and-digital-colonisation</a>.

The construction of a feminist manifesto that centres the African context and includes the peripheries of African networks, as well as their centre, thus needs to see silence as both a catalyst and an emergent need for change beyond just a linguistic solitude.

A feminist methodology for undoing the unexamined point of view of political whiteness requires an active unlearning of the frames through which gender law reform has entered the global order, recognition of why and how some forms of feminist intervention are embraced and already an element of the global administrative landscape and a silence that is active in the sense of learning to listen, in the words of Otto, with political responsibility: 'the politics of listening challenges us all to take responsibility for justice based on our interconnectedness as people and our shared political and legal institutions'.55 For Houghton and O'Donoghue, this is the second point in their feminist manifesto for global constitutionalism 'setting an agenda that moves beyond a Eurocentric gaze'.56 We hold the politics of listening (over speaking) as a directive to feminists within institutional and academic spaces and as a means to think about which feminist knowledge is introduced into international institutions and thus amenable to the unspoken contours of global administrative forms. At the same time, an active silence from white feminists, or any aligned with power and vectors of privilege, introduces alternative voices that are, quite literally, shouting in the streets. A manifesto for silence thus fractures across a number of claims: first, silence as a practice within activist spaces as a means of claiming ground; second, silence as a tool for recognition of the silences within white and mainstream feminisms; and third, silence as an active tool for dominant feminisms to refrain from erasure, to be silent and to listen – an active silence of undoing their complicity with power.

As an intervention into global constitutionalism and as a companion to existing feminist interrogations in the field, <sup>57</sup> we embrace the voices of those alongside us while asking what lies beneath and is unspeakable within those frames. We recognize the important, prior interventions across various feminist judgement projects have similarly initiated a rise in plural feminist approaches that are neither uniform nor desire to be. <sup>58</sup> As such, feminist judgement projects have been an interesting site of interruption into the status quo of legal arrangements, which has also prompted adjunct projects that move beyond gender. <sup>59</sup> We argue for a politics of interruption that might transform approaches to representation from being centred on women to shift toward embracing a feminist methodology. <sup>60</sup> If feminist judgements first interrupt specific sites of legal knowledge (Canadian, English, Australian, African, Indian) and then filter across jurisdictions, along the way demanding literacy in legal transplants and the history of law in colonial forms, a feminist constitutionalism is not an unsurprising interruption to follow. We argue, however, that every interruption (as feminist method) should engender space for further

<sup>&</sup>lt;sup>55</sup>D Otto, 'Beyond Legal Justice: Some Personal Reflections on People's Tribunals, Listening and Responsibility' (2017) 5(2) London Review of International Law 225–49.

<sup>&</sup>lt;sup>56</sup>Houghton and O'Donoghue (n 1) 44.

<sup>&</sup>lt;sup>57</sup>A O'Donoghue and R Houghton, 'Can Global Constitutionalism be Feminist?' in S Harris Rimmer and K Ogg (eds), Research Handbook on Feminist Engagement with International Law (Edward Elgar, London, 2019) 81–102.

<sup>&</sup>lt;sup>58</sup>See R Hunter, Feminist Judgments: From Theory to Practice (Hart, Oxford, 2010); L Hodson and T Lavers (eds), Feminist Judgments in International Law (Hart, Oxford, 2018).

<sup>&</sup>lt;sup>59</sup>See, for example, N Watson and H Douglas, *Indigenous Legal Judgments: Bringing Indigenous Voices into Judicial Decision-Making* (Routledge, London, 2021).

<sup>&</sup>lt;sup>60</sup>See further Heathcote (n 21) 133-99.

interruptions, further undoing of unspoken categories of inclusion and the intersectional matrixes of power. For feminist judgement projects, this has seen the emergence of new projects, notably the Indian Feminist Judgement Project, has been the emergence of new projects, notably the Indian Feminist Judgement Project, having higher addresses the legacy of the colonial legal transplant, implicating global governance structures as it speaks to Indian law more broadly. As projects that at once engage institutions while simultaneously rejecting both symbolic and structural inequalities that are produced by law, feminist judging underscores the dominance of white feminisms and their association with a specific history of law and feminism, while otherwise simultaneously providing a space for a feminism. A feminist constitutionalism might listen to the diversity of feminist judgment projects – and reflect on their limitations – to halt the recirculation of a specific frame of feminist methodologies and praxis.

The traditional values of an *ondjango* are understood to be: respect and freedom (each member gets a turn to speak and the opinion of each person is heard and respected by the others); solidarity (represented by the gathering's honest interest in the wellbeing of each other and the community); equality (since the participants of the *ondjango* traditionally sit around a circle representing the absence of a hierarchy among them); action (i.e. the solving of problems); and empowerment (since an *ondjango* is also a place where knowledge is shared).<sup>63</sup>

In the following section, we first identify the frames of feminisms that have shaped gender expertise within the global order, to identify the tentacles of global power that have taken up specific feminist accounts and, by definition, leave alternative feminist accounts behind. We then articulate the manifesto for active silences through the telling of Lusophone African feminist interventions, which centre class and labour relations in the Angolan city of Luanda. The manifesto for action, resistance to state violence and transnational knowledge articulated for change by Zungueiras (street vendors) is placed as an unexpected, out-of-frame manifesto of feminist organizing that requires considerable additional learning for full comprehension. It is a manifesto of the right to revolt – in the streets, against dominant knowledge frames and, for white feminists, against the histories of law, gender and the global structures that are internalized and known.

As authors, we come to this article as a white scholar whose unlearning and active listening is ever incomplete and as an African scholar whose capacity for scholarship in different styles and different languages is under-valued in the rooms of feminism.<sup>64</sup> We have chosen to draft and write our contribution to this first foray into a special issue on feminism in English, noting Heathcote's monolingual history from a British settler colony and Kula's multilingual knowledge that traces her African, Lusophone and European homes. This dissonance between our own entitlements infiltrates much of the page, opening it to a much wider understanding of feminism that was taught in the settler colony and enriched by the lived feminist history of displacement and resistance.

<sup>&</sup>lt;sup>61</sup>A Chandra, J Sen and R Chaudhary, 'Introduction: The Indian Feminist Judgements Project' (2021) 5 (3) Indian Law Review 261–64

<sup>&</sup>lt;sup>62</sup>K Sharma, L Lammasniemi and T Sarkar '*Dadaji Bhikaji v Rukhmabai* (1886) ILR 10 Bom 301: rewriting consent and conjugal relations in colonial India' (2021) 5(3) *Indian Law Review* 265–87.

<sup>&</sup>lt;sup>63</sup>Mouzinho and Cutaia (n 13) 39.

<sup>&</sup>lt;sup>64</sup>NW Thiong'o, *Decolonising the Mind: The Politics of Language in African Literature* (James Currey, Melton, 2009); F Banda, *African Migration, Human Rights and Literature* (Hart, Oxford, 2021).

# III. Gender expertise and plural feminisms

Articulating a space for plural feminism and active silencing, as well as a framing of where gender law reform emerges within global governance, provides insight into the layers of feminisms that are given passes into global governance and those that are always managed as the objects of the international gaze rather than as agents able to constitute the world. Moreton-Robinson writes from the very different context of settler-colonial Australia to question the frames through which Australian feminists are able to engage the ongoing violence occurring against Aboriginal peoples:

The real challenge for white feminists is to theorise the relinquishment of power so that feminist practice can contribute to changing the racial order. Until this challenge is addressed, the subject position middle-class white woman will remain centred as the site of dominance.<sup>65</sup>

As such, the active silence we describe here is an interrogation of both the forms of feminism permitted 'in' to dictate and design what constitutes gender expertise within global governance and an interrogation of the histories of feminist forgetting of her own complicity in racialized, colonial and Western structures of violence, founded in law and reimagined in new forms in the international.

Following Moreton-Robinson, this would require white feminist reflection and learning/unlearning via manifestos, such as the Uluru Statement from the Heart and its reconfiguration of sovereignty through existing First Nations articulations of law.<sup>66</sup> Watson frames this knowledge as an international legal intervention and argues for recognition of the legal and direct violences of settler colonialism as, at its heart, a knowledge project.<sup>67</sup> Similarly, Bhatia recognizes, names and theorizes the violent exclusion (silencing) of indigenous 'inter-nationals' within critical legal and TWAIL engagements with international legal histories.<sup>68</sup> Bond writes on the violent mechanisms used within academic scholarship, including feminist scholarship, to reproduce and write over Indigenous histories, producing – through knowledge production – a racism of now within feminist canons.<sup>69</sup> We regard the work of a feminist constitutionalism to be at the intersection of raising and recognizing the failures of international structures to incorporate feminist utopias/manifestos/methodologies and to simultaneously address the interlocking harms that persist within feminist knowledges. Our understanding of plural feminisms is to shift from the politics of inclusion, which ultimately reduce to an account of identity and diversity policies, to examine the knowledge formations within global feminist spaces to inquire how feminist knowledge is reshaped by international institutions even as it is itself incomplete. Gender law reform within international institutions thus becomes an important signal of how feminist knowledge is rendered malleable to global legal frames and that it might be that point of malleability that offers an aperture into the knowledge that is violently removed from feminist approaches.

<sup>&</sup>lt;sup>65</sup>A Moreton-Robinson, *Talkin' Up to the White Woman: Indigenous Women and Feminism* (University of Queensland Press, Brisbane, 2000) 186.

<sup>&</sup>lt;sup>66</sup>The Uluru Statement from the Heart is available at <a href="http://ulurustatement.org">http://ulurustatement.org</a>>.

<sup>&</sup>lt;sup>67</sup>I Watson, Aboriginal Peoples, Colonialism and International Law: Raw Law (Routledge, London, 2014).
<sup>68</sup>Bhatia (n 39) 145.

<sup>&</sup>lt;sup>69</sup>Chelsea Bond, 'Talkin' Down to the Black Woman' (2019) 45(2) Australian Feminist Law Journal 185–89.

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Interrogation of when and where – and to whom – gender law reform is regarded as important has received insufficient attention. Key early developments on gender, such as the 1915 Peace Resolutions, or more recent regional contributions such as the Maputo Protocol, which champion and transform institutional responses to both international law and women's lives, are often under-researched and/or under-represented in both scholarly and institutional accounts. This aligns with Gebeye's account of jurisgenerative constitutionalism, such that:

The singularity of the constitutional order lies not in having a singular conception of justice, rights and values, but in its ability to provide a framework within which various pluralities exist and operate within the polity.<sup>71</sup>

Here we examine those pluralities within transnational feminisms as a means to take this as a part of the methodological commitment of a feminist global constitutionalism. Yet regional interventions have not garnered feminist re-evaluation of existing legal forms or the intersectional aspects of gender law reform. Cornwall and Rivas, in analysing gender and development strategies, argue for a need to build feminist institutional transformations that 'can deliver the kinds of deep-rooted structural changes needed to achieve a more just and equal world'.<sup>72</sup> To bring these approaches to global constitutionalism, we examine the wider contours of gender expertise and the very specific accounts of feminist activists within Angola, reflecting both the plural and the universal dimensions of our approach.

In its broader questioning of oppression and exploitation, and commitment to social justice, Ondjango Feminista upholds an African feminist ideology whilst simultaneously holding true to the Third World feminist ideological commitment to critiquing and challenging capitalism, imperialism, colonialism and neo-colonialism, racism, heteronormativity, ableism, class oppression as well as the religious and cultural norms that affect the lives of Angolan women.<sup>73</sup>

Furthermore, the impact of gender law reform on international law and its institutions is not yet a focus of analysis (as opposed to the impact of gender law reform on women's issues). Institutional reforms are positioned as feminist success stories so that two forms of gender consciousness emerge within the structures of global governance: first, the existing mechanisms that are attentive to, and have a history of, focus on women's rights and concerns; and second, more recently, gender mainstreaming or gender equality, forming a space of consciousness that is identified as the space where it is acceptable to draw on feminist knowledge. However, there exists simultaneously an absence with respect to gender perspectives, gender mainstreaming or women's rights within structures of global governance that might be deemed functional, technical or foundational.<sup>74</sup>

<sup>&</sup>lt;sup>70</sup>S Labenski, this volume; B Gebeye, 'Global Constitutionalism and Cultural Diversity: The Emergence of Jurisgenerative Constitutionalism in Africa' (2021) 10(1) *Global Constitutionalism* 40–71.

<sup>&</sup>lt;sup>71</sup>Gebeye (n 70) 70.

<sup>&</sup>lt;sup>72</sup>A Cornwall and AM Rivas, 'From "Gender Equality" to "Women's Empowerment" to Global Justice: Reclaiming a Transformative Agenda for Gender and Development' (2015) 36(2) *Third World Quarterly* 396, 397.

<sup>&</sup>lt;sup>73</sup>Mouzinho and Cutaia (n 13) 47.

<sup>&</sup>lt;sup>74</sup>Heathcote (n 21) 47-48.

Similarly, within institutions such as the Security Council, which has a gender agenda through the women, peace and security resolutions, there exists a silence on gender in relation to its core work on collective security, in particular the authorization of force. To imagine a space for feminist constitutionalism within the global order would be to acknowledge both the silence and the manifestations of gender within international institutions. We argue that addressing this requires a recognition of the knowledge paradigms through which contemporary feminist legal agendas speak while undoing their amenability to contemporary forms of global governance.

Existing work on gender experts within international development discourse acknowledges the restraints on the capacity of gender experts within the development institutional agenda,<sup>75</sup> and critical legal approaches evidence the masking of political agendas within quantitative measures in their studies of global governance. Analysis from gender and development contexts also demonstrates how restraints include the existing hierarchies within those institutions and organizations, the tension between the outward focus of gender agendas and gendered structures internalized by the organization and/or institution, the space between academic reflexivity and institutional demands, and the 'low economic value' of gender expertise. Despite this scholarship from gender and development, as well as critical legal scholarship on expertise in global governance and international relations scholarship on gender expertise, engagement with the role and expectations placed on gender experts has received little, if any, attention from within international legal accounts. Likewise, very little feminist legal scholarship focuses on the way international law engages with the role of gender experts and the deployment of gender expertise.<sup>77</sup> We argue that one consequence of this is the perpetuation of the status quo of a double knowledge frame. The first aspect is the knowledge behind the knowledge of the international order, a specific legal and political history that draws its origins from the Westphalian and Anglo-European frames that produced and benefited from colonial exploitation and slavery. The second is an amenability to narrow frames of feminisms, largely the waves of Western feminism that have emerged in political and legal discourse over the last few decades of the twentieth century.

We argue for plural feminisms that are attentive to historical and geographical diversity, and that interrogate histories of violence that are often written into law at its foundations, including gender law reform. Plural feminisms traverse the movement of knowledge from above, which filters the forms of knowledge received and requires not just an undoing of the type of feminist theories that inform the structures of gender law reform but also an understanding of the larger knowledge frames into which feminisms are co-opted, particularly when we look at the intersectionality of lived experiences. We regard this as a necessary step to understanding why gender law reform functions through the 'unified category of gender' and opens a feminist constitutional project to questioning the existing knowledge histories, assumptions and techniques that permit the neoliberal, market-driven and political status quo to reproduce itself within global governance. We are not interested in unearthing a narrative of feminism lost via the emergence of gender expertise in the global order. That is, we argue, attention to what silences are carried into

<sup>&</sup>lt;sup>75</sup>For example, see L Ferguson, "'This is Our Gender Person": The Messy Business of Working as a Gender Expert in Gender and Development' (2015) 17 *International Feminist Journal of Politics* 380.

<sup>&</sup>lt;sup>76</sup>SE Merry 'Measuring the World: Indicators, Human Rights and Global Governance' (2011) 52 (S3) Current Anthropology S83.

<sup>&</sup>lt;sup>77</sup>C O'Rourke, Women's Rights in Armed Conflict Under International Law (Cambridge University Press, Cambridge, 2020).

the space of global governance and what work needs to be done – by white, mainstream and Western feminists – to learn through an interrogation of those silences is ultimately unlearning in an active manner to understand the existing legal-political forms of global governance.

There has been a general, and problematic, trend for post-independence Angola to connect more with Western countries than with other African countries. By adopting the Charter of Feminist Principles for African Feminists as its guideline for feminist ideology and action, the Ondjango Feminista moves away from this trend and charts new ground for feminist engagement in Angola.<sup>78</sup>

Questioning the neoliberal amenability of feminist projects, therefore, does not just require raising questions around which feminist messages are taken up and developed in the context of international institutions, but an additional project of identifying and understanding what is left out, how specific feminist projects and histories are silenced within neoliberal agendas and discourses.<sup>79</sup> To continue to exclude the voices in the Global South, a specific series of feminist ethical claims are not only deployed at a global level and via strategies of global governance, but also engaged via a very specific ethical claim associated with either female vulnerability and/or empowerment that has considerable intersectional dimensions. As such, the space of global governance creates gender experts, even if they are versed in broader, complex feminist debates and politics, who find that their role is one of compromise and containment rather than a space for building apertures for further interventions or interruptions to the status quo of gender norms or the global order. A dependence on gender as quantitative and measurable, to be rendered understandable through indicators, is a significant component of the institutional spaces within which gender experts find themselves. In her analysis of this reality, Buss raises concerns about measurement tools as a means to achieve gender equality. For feminist encounters in global governance to build a manifesto for change, both the form and the normative frame underneath measures and indicators requires interrogation. In Ferguson's study of gender expertise in international development institutions, she challenges the gendered normativity and representations of the institutions producing expertise, indicating that these must also be pulled to the foreground. Reflecting on her own work as a gender expert, Ferguson concludes that

there is clear separation between internalized versus externalized approaches to gender. As often found in many different aspects of feminist practice, it is 'okay' to talk about gender as long as nobody has to give up anything or be profoundly challenged about their assumptions, beliefs and behaviours. This can be said to function at an institutional, as well as a personal, level.<sup>80</sup>

International institutions cannot simply deploy gender expertise as measures, indicators and tick boxes to be applied to a situation, community or issue. A performative, relational approach to gender asks questions about the way gender is represented, subsumed and

<sup>&</sup>lt;sup>78</sup>Mouzinho and Cutaia, (n 13) 47.

<sup>&</sup>lt;sup>79</sup>N Tzouvala, 'The Future of Feminist International Legal Scholarship in a Neoliberal University: Doing Law Differently?' in S Harris Rimmer and K Ogg (eds), *Research Handbook on Feminist Engagement with International Law* (Edward Elgar, London, 2019) 269–85.

<sup>80</sup>Ferguson (n 75) 4-5.

produced through the working of the institution itself. This suggests gender expertise requires actors who can 'read' gender and advise on (or challenge) gender as it is constructed within global governance and institutions before any outward-looking work can be commenced.

We argue that the space of gender expertise, when severed from feminist methodologies that actively disrupt and interrogate knowledge production, constructs outcomes that diminish feminist political and ethical tensions and replaces these with assertions of gender as stable, measurable and settled. Or, instead, the political and ethical commitments that produce the agitation for gender initiatives within international spaces in the first place are displaced by the gender expectations and norms of the institutions rather than the background actors (gender experts). With this in mind, in the following section we travel to the informal market spaces in the Angolan capital of Luanda to invoke an active silencing of Heathcote's assumption and assertion of a specific knowledge frame, and an active engaging of Kula's frames of knowing and doing and speaking. As an African feminist, this is not only a multilingual history, but one that has had to learn the rules of inside and outside dominant frames, which we wish to explore as mechanisms for resisting.

As the Ondjango Feminista grows and gains more visibility, concerns about ensuring that its spaces are safe are becoming ever more real and will demand a strategic response. It is increasingly clear, however, that creative resistance is the only path.<sup>81</sup>

### IV. A manifesto for silence

Who and what do your feminist histories invoke and remember? Irene Cohen? Ondjango Feminista? The Ogu Umunwanyi protests in Abia state in 1929? 4 Of course, there will be many feminist histories that are outside the status quo of the histories that we, as feminists writing and researching international law, tell. This section examines what it means to learn from the juxtaposition of feminist revolutionaries and anti-violence campaigns in Lusophone states – in this case, Angola – as part of a decolonized feminism that understands active silence as making, creating and building the space for a different form of knowledge. We situate these feminist histories within larger feminist knowledge on protest, women as informal workers, for resistance to colonialism and transnational feminisms on the African continent.

Scholarship by women, including African women, cannot be seen as homogeneous and is no different for those looking at colonial legacies and how they shape our interactions with liberation struggles, socio-economic movements and more. The post-

<sup>&</sup>lt;sup>81</sup>Mouzinho and Cutaia (n 13) 49.

<sup>&</sup>lt;sup>82</sup>A Ayah 'Who is Irene Cohen? The Re-discovery of Feminist Freedom Fighter in Modern Day Angola' *The Republic*, 15 June 2020, available at <a href="http://republic.com.ng/june-july-2020/freedon-fighter-modern-day">http://republic.com.ng/june-july-2020/freedon-fighter-modern-day</a>.

<sup>&</sup>lt;sup>83</sup>For further information, see <a href="https://www.OndjangoFeminista.org">https://www.OndjangoFeminista.org</a>.

<sup>&</sup>lt;sup>84</sup>IE Obienusi, 'Aba Women Protest and the Aftermath 1929 till 1960' 131 *COOU International Journal of the Humanities*, available at <a href="https://coou.edu.ng/journals/coouijhsga/Vol1\_Iss1/coouijhsga1119008.pdf">https://coouijhsga1119008.pdf</a>>.

<sup>&</sup>lt;sup>85</sup>S Tamale, 'Nudity, Protest and the Law (2017) 22 Feminist Africa 52-86.

<sup>&</sup>lt;sup>86</sup>D Tsikata and D Amanor-Wilks, 'Editorial: Land and Labour in Gendered Livelihood Trajectories' (2009) 12 Feminist Africa 1–9.

colonial context of merging territories, expanding contributions in literature, feminist interventions, and interruptions, present a new breaking ground to look at the restricted and less-explored voices of the periphery. Reflecting on these interactions requires a looking beyond the intertwined colonial structures and the subjugation of identities, to theorize and make real the power of active silence. The silencing, rooted in the questioning of the validity and contribution of these voices in the scholarship, draws out the transnational kinship of knowledge production to centre the experience of women mobilizing and rooting their activism not necessarily on resistance, but also in the significance of voices made audible through silence. In this section, we consider the relationship between a manifesto for silence and the composite space of voice that might be opened through a feminist methodology of active silences. This is to avoid silence as complicity and to reimagine silence as a making way, a creation, listening and a political consciousness of one's own complicity in the perpetuation of existing silences within feminist legal writing that is ushered in and given voice in international institutions. We also examine the use of silence within Angolan feminist protests and the composite possibilities of active silence as a manifesto for undoing the persistence of white feminist knowledge formations and a scripting in of an embodied feminism.

For Lusophone Africa, for Angola, women's organizing to interrupt is, of course, not new. The importance of this interruption lies in the emergence of an intellectual space where lusotropicalism<sup>87</sup> is no longer focused predominantly around the socio-historical context and the end of colonization. However, the emphasis here is greater than just the political significance of liberation. It is also about questioning the reproduction of common threads of the subordination of local voices and local knowledge that are never only historical and never only of the present. Underpinning the racist framing of who speaks and when is as much about the differentiation of women's positionality when it comes to race, class, culture and economic freedom as it is about the advancement beyond women's inequality. It is not to say that this resistance is equivocally entwined within the context of Angola, or even Lusophone Africa, but the more traditional forms of women's empowerment movements have had significant difficulties in taking root. Sheldon and Fêo Rodriques argue that:

While most writings on Lusophone Africa portray an array of cultural, linguistic, and social diversity, the structural conditions of women undergoing cyclical poverty, undernourishment, and insecurity are quite similar. Through their writing they have exposed some of the challenges that continue to affect the production of knowledge by women and about women in Lusophone Africa.<sup>88</sup>

This knowledge production in Angola centres on silence, the power in feminist activism through organizing in a culture of fear and what it means to actively liberate. Transnational tensions around the impact of governance and legal feminisms on the conditions from which feminist actors can speak thus contribute to the production of

<sup>&</sup>lt;sup>87</sup>Lusotropicalism evolves from perceptions of the ideas behind Portuguese imperialism of the better colonizer, in the sense of better than other European imperial invasions. Its distinctive character proposes that Portuguese colonization created a melting pot in anchoring the integral attitudes towards nationhood and identity. The 'harmonious' relationship between the empire and its subjects is still represented through the attitudes towards immigration, culture and the reproduction of Portuguese colonized identity.

<sup>&</sup>lt;sup>88</sup>K Sheldona and ISP Fêo Rodrigues, 'Outras Vozes: Women's Writings in Lusophone Africa' (2008) 7 African and Asian Studies 439–45.

silence. <sup>89</sup> Simultaneously, the dismantling of colonial forms of oppression and governance within the postcolonial state produces an additional set of silences on gender relations.

There is a feminist-building process that is instrumental for mobilizing, educating and challenging hierarchies of importance within feminist activities. Women organize, contribute and work around the dominant narrative without waiting for their turn to speak. It is similar to the notable interventions of the women of the Kamy Battalion during the liberation movement of the 1960s.90 The erasure and obliteration of the contributions of these women to the anti-colonial liberation struggle in Angola highlights how, even then, silencing was powerful and leveraged women's involvement and political participation against conversations around active leadership. While women were not necessarily seen in leadership positions, they were very much understood to shape the ideologies behind the movement. The conditioning behind this inspired Angolan women to be critical about dominant voices and the ideologies behind liberation and anti-colonial and anti-racist framing. When discussing how voicelessness interacts with the patriarchy, Nkechi Ifechelobi states that a 'human being's voice is one of the person's precious assets so, anyone without a voice is bound to go in search of it'. 91 De Sousa Santos invokes this by centring on the epistemologies of the South, which concern 'the knowledges that emerge from social and political struggles and cannot be separated from such struggles'.92 He continues by stating that

many such ways of knowing are not thought knowledges but rather lived knowledges. The epistemologies of the South occupy the concept of epistemology in order to resignify it as an instrument for interrupting the dominant politics of knowledge.  $^{93}$ 

Thus the presence of patriarchal norms does not just mean that women often have to re-evaluate their communal needs and presence; it often also actively rejects the trope that silenced voices are dependent, malleable, in need of 'male' empowerment and leadership, particularly within the context of socio-political struggles. While searching for your voice does not require physical embodiment, in body, voice, activism, presence and more, the authority that this can represent is as much about asserting women's resistance and the imposed restrictions and control of their bodies – much like strategic pieces in a game. A manifesto for silence thus simultaneously inscribes a space for voices that are otherwise silenced to be rendered present.

When the post-conflict Angolan government introduced Operação Resgate (Operation Rescue) in 2018 to regulate informal street markets and the transformation of Luanda's capital to a more presentable modern city, ready to attract foreign investors,

<sup>&</sup>lt;sup>89</sup>V Hamzić, 'A Cry for Madness: Governance Feminism and Neoliberal Consonance in Pakistan' in J. Halley, P. Kotiswaran, R. Rebouché and H. Shamir (eds), Governance Feminism: Notes from the Field (University of Minnesota Press, Minneapolis, 2019) 407–33.

<sup>&</sup>lt;sup>90</sup>M Paredes, 'Deolindas Rodrigues' in Oxford Research Encyclopedia – African History (2019), available at <a href="https://oxfordre.com/africanhistory/view/10.1093/acrefore/9780190277734.001.0001/acrefore-9780190277734-e-485">https://oxfordre.com/africanhistory/view/10.1093/acrefore/9780190277734.001.0001/acrefore-9780190277734-e-485</a>.

<sup>91</sup> Ifechelobi (n 8).

<sup>&</sup>lt;sup>92</sup>B de Sousa Santos, *The End of the Cognitive Empire: the Coming of Age of Epistemologies of the South* (Duke University Press, Durham, NC, 2008) 2.

<sup>93</sup> Ibid.

many Angolans felt this was a way to erase the very beating heart of the city: the Zungueiras (or street vendors). The Zungueiras, women who had sustained the country during the many decades of war, had also continued to play a significant role in the rebuilding of the country. In the Kimbundu language, the word Zungueira means to walk, to circulate or to rotate. The Zungueiras' movement through the market, born of a need to avoid violence, from the state or others, has become both emblematic of their labour and a symbol of informal labour and gendered vulnerabilities. This aspect of Angolan daily life, predominantly dominated by young women who sustain themselves and their families through these means, is a role often occupied by young girls between eight and seventeen years of age. The life of a Zungueira involves working for 14 hours a day, walking long distances under all kinds of weather conditions, often carrying a child on their back and laden baskets on their heads. 94 The Zungueiras are met with violence on all sides, by thieves who take advantage of the little (physical) resistance they can offer, and by the state, which infantilizes what precarity means and who is a Zungueira, but also attempts to immobilize the Zungueiras through fiscal regulation, which presents difficulties because of locality and identity. Luz and Vasconceles note that the 'Zungueiras' activities are considered as informal by the state, even though we can understand them as being included in a trading system that generates income and useful interrelationships with the society as a whole'.95 This juxtaposition of the informal/formal is repeated across the space of the city, where a colonial map of planned roads and infrastructure exists alongside the informal city or the musseques. The Zungueiras become the gendered embodiment of the musseques as the state attempts to present itself as a global city, controlling and eradicating informal labour. The reliance on trade with Zungueiras, their persistence and unvoiced protest and their circulation in the city are frustrated by legal policy articulated as their attempted 'rescue' from the streets. The state's desire for a formal market economy interlocks with neoliberalism's pervasive reach into trade across scales.

Thus, while Operação Resgate put significant pressure on the Angolan Zungueiras, the pressure has also shown how these women use different forms of resistance to highlight the importance of revolt, compassion, proportional representation and response to their needs. There is legitimacy in a reactionary approach, but there are also links to the way these women use their silence as their voice. It is reflective of the relationship women, particularly mothers, in Angola have with resistance:

We have only ever responded to the violence we experience, we have never crossed the line when it comes to defending ourselves, even when we silenced ourselves during the war, we did it because it meant that as mothers we did not support our son's dying.<sup>96</sup>

These were some of the conversations women were having, both online and in real life, on the functioning and implementation of Operação Resgate and the ways in which it affected daily life in Angola.

<sup>&</sup>lt;sup>94</sup>T Mawela, 'Zungueira, RESISTÊNCIA! A femininização da pobreza em Angola e as mulheres zungueiras', *Feminismo Com Classe*, 15 December 2019, available at <a href="https://feminismoclasse.medium.com/zungueira-resistência-a273ee19d769">https://feminismoclasse.medium.com/zungueira-resistência-a273ee19d769</a>>.

<sup>&</sup>lt;sup>95</sup>VS Luz and ÁS Vasconcelos André, 'Comércio informal, identidade e direito: o caso das zungueiras de Luanda' (2021) 23(1)V!RUS Referências do Sul/References of the South, available at <a href="http://vnomads.eastus.cloudapp.azure.com/ojs/index.php/virus/article/view/97">http://vnomads.eastus.cloudapp.azure.com/ojs/index.php/virus/article/view/97</a>.

<sup>&</sup>lt;sup>96</sup>Online conversation, recorded by and on file with authors, June 2019.

Nevertheless, there was a gradual change when Juliana Cafrique, a Zungueria, was shot in the Rocha Pinto neighbourhood of Luanda. Widespread condemnation of the brutality towards the Zungueiras and young people followed. Predominantly young men took to the streets to demand justice, speaking for their mothers, their sisters and more: those who had sustained their families, who were primary breadwinners and who shaped daily life in the streets. It was also justice against the impunity, and justice for the decades of silence against oppressive measures by the government. In a country where there is no real middle class, where the majority of people are dependent on making a livelihood through the informal sector, Zungueiras have been praised, respected and held dear, and have had songs devoted to them. They have been spoken to and for, so we argue that while this continues in many ways, it is also reproduced in silence, in emerging forms of activism and in wider conversations and criticism about who holds power, and when.

A feminist critique of these experiences is something that can be reflective and illustrative to the transfer of power and resistance, and not only as a critical process to reconfigure the patriarchy. This is patriarchy entwined in class and labour relations, and navigating the direct effect of state violence: state violence that presents itself in contradiction in some ways to parallel state actions. Through the actions of those who represent the state in how they fiscally and physically pursue the Zungueiras in daily life, while supporting microcredit financing by international non-governmental organizations for young women to create an income stream often promoted through the introduction to the informal market, this contradiction is laid bare. <sup>97</sup> This violence is then also reconstructed through the eyes of those who are sustained by Zungueiras. A 2016 video game, formed around the lives and challenges of Zungueiras, was used to show their daily activities, subjugation through police actions and what these women inadvertently face. 98 It was as much about bringing visibility to the Zungueiras as honouring the voices of these women. The real world was replicated in the living scenarios of navigating life on the margins, the informal sector. Allen argues that, 'Video games provide an ideal platform for "experience-taking": the player's actions are typically the protagonist's actions, the player's goals are the protagonist's goals, and the player's frustration coincides with the protagonist's pain." So seeing through the eyes of the Zungueira, navigating through the city, while virtual, still offered new ways to bring the theory to the imagined space. When there is a connection between the theory and everyday life, a nuanced understanding of what silencing means is needed.

This is particularly relevant for feminist interventions and for the critique of feminist theories on patriarchy and how they interact with the lives of African women, oppression and the systems of resistance built by these women. The dynamics of feminist tools mean that we must consider what resistance represents, while simultaneously questioning what silence in the form of resistance looks like. Changing traditional roles, responsibilities and power structures leads to an engagement that looks beyond control and authority. Do women not hold authority if they fail to (re)inforce their voice? Is theoretical critique sufficiently rooted in what is produced in the margins? And does it invoke enough resistance to champion the narrative of activist resistance at the centre of feminist

<sup>&</sup>lt;sup>97</sup>ILCatoto Monteiro, Modos de vida e de trabalho das mulheres que zungam em Luanda, Dissertação (Mestrado em Serviço Social) (Pontifícia Universidade Católica de São Paulo, São Paulo, 2012) 64.

<sup>98</sup>See further Bantu Games, Zungueira Run (November 2016), available at <a href="https://www.facebook.com/bantugames/videos/368370983497024">https://www.facebook.com/bantugames/videos/368370983497024</a>.

<sup>&</sup>lt;sup>99</sup>S Allen, 'Video Games as Feminist Pedagogy, Loading ...' (2014) 8(13) The Journal of the Canadian Game Studies Association 71.

intervention and how it perceives active engagement? We argue that activism is as much about the intended effect, the activities and the social aspect of moving boundaries. Whether artificial or unconscious, these boundaries are linked to the everyday expectations of gender stereotypes and feminist tropes that create considerations for differences. White, mainstream and elite feminisms within international institutions need not see, hear or notice the resistance of the Zungueiras. In the way they are presented, categorized and dominated, women are limited in the many ways they can reinforce or even introduce different forms of resistance, and this still shapes the boundaries of how they navigate the fluidity of their identities. Are they women, subjects or street vendors, traders or victims of state violence, needing protection or returned combatants, or are they working against dominant structures while constructing, challenging and changing? Singular or communal, the assumptions are there, and they bring conceptual challenges to dominant feminist messages and methodologies. What might feminist work actually do when it is rooted in silence? What if these voices are shaped around the virtual representation of active resistance and daily experiences? In a more nuanced reflection, we would perhaps say that transgressing these boundaries informs the potential of reactionary activism. We expect it to have a message, a face and perhaps cultural meaning. This framework, however, argues that representation in spaces - whether political, legal or cultural means that we must identify so-called traces of emotional value and identity in this activism. In other words, mainstream feminisms look for the victim or the political actor, silencing other voices.

For Angolan women, for Zungueiras, this traditional representation exposes the hierarchy of active resistance. Voice can be performative in the same way that silence can achieve transformation. Thus, to actively resist does not necessarily mean to be visible. Ondjango Feminista, Angola's prominent feminist organization, in its own manifesto, reaffirms the need to 'create and claim spaces where women's voices are heard'. 100 While there is strategic guidance regarding how this can be achieved, it does not tell us what we need to understand from these voices: the histories and stories they navigate prior to arrival. In context, this can mean that women's organizing and mobilizing can look completely different from our ideal representation of liberation. There is also a visible shift in how Angolan women's voices were, for example, represented by organizations such as Organização Mulher Angolana (OMA), which was allied politically with the ruling MPLA party, often erased from history telling despite their the important role and organizing of other women in the anti-colonial struggle, such as the Kamy Battalion, Angolan Women's Association and the Angolan Women's League representing political opposition to the ruling party. In a motif repeated across transnational feminist contexts, there is insufficient interrogation of how national feminisms are given access to dictate the international gaze into the local. In contrast, Ondjango Feminista argues that:

Given the Angolan government's history of repression of dissent, it is not surprising that many women's CSOs strategically adopt a cooperative approach to women's rights advocacy, positioning themselves exclusively as partners as opposed to critics of the government. This strategy has been adopted by many women's CSOs, and can be considered pragmatic because it allows the CSOs to continue doing the important

<sup>&</sup>lt;sup>100</sup>Ondjango Feminista, Feminista Manifesto, April 2017, available at <a href="https://staticl.squarespace.com/static/57c54852f5e231e61738ab8a/t/58e2503ecd0f6881b786e187/1491226691196/Manifesto+-+Ondjango+Feminista+-+03042017+-+B%26W.pdf">https://staticl.squarespace.com/static/57c54852f5e231e61738ab8a/t/58e2503ecd0f6881b786e187/1491226691196/Manifesto+-+Ondjango+Feminista+-+03042017+-+B%26W.pdf</a>.

work of defending women's rights, without much opposition from the state. However, it has also resulted in the co-optation of many women by the government, rendering many of them unable to take a stand on issues relating to state corruption, mismanagement of public funds, abuse of power, and other matters of political governance and social life. 101

This led to the conceptualization of Ondjango Feminista as it is, 'an autonomous movement of Angolan feminists committed to a transformative feminist agenda that advocates for the human rights of women and girls in Angola from the perspective of social justice, solidarity and freedom'. And that solidarity can be expressed through collective action and consciousness-raising, which is critical to activism, but does not always involve actively speaking or resisting, and definitely not necessarily through the vehicle of the state.

Mouzinho and Cutaia argue:

Thus, when Angolan feminists problematise the impacts of certain events or policies on women, the overwhelming response from both society and government officials tends to be that these problems are not specific to women and therefore do not need to be addressed from a gendered, let alone feminist, perspective. Whilst it can be said that these assertions are generally made due to a lack of understanding of feminist issues, they have also been used as a strategy with which to silence feminist discourse. 103

Yet, similarly, the subjugation by the state feeds into the idealization of what the Zungueiras are through the interrelation, through the silence that they represent and the struggle that a country is overcoming in the way they sustain daily life. This is, ironically, captured in the recirculation of an edited collection of Zungueira life stories collected and honored by the Angola Writers' Union, and presented by the Minister of Culture, Tourism and Environment, Jomo Fortunato, fifteen years after the original print of the "Zunga bread rhymes with asphalt" was first published in 2005. 104 This silence reproduces a space where women such as Zungueira are elevated to critically analyse the experiences of women in relation to the subjugation they experience. The context of the Zungueiras and their history of active resistance is not the feminist history that informs the contours of a global feminist manifesto, but is it more culturally specific than the contours of Western feminist stories of rights, equality and protection? The market place, o izua ioso (the everyday), informal labour, military histories and gendered notions of voice bring to global governance a space for interrogating colonial and imperial knowledge forms.

This space is not a mirror to the Global North. It cannot swallow its radicalism without dismantling boundaries that continue to brutalize and subjugate black bodies without centring the capitalistic needs that fuel this. The Angolan context, the Zungueria, is a reconstruction of racial subjugation through Lusotropicalism. It is rooted in the idea of

<sup>&</sup>lt;sup>101</sup>Mouzinho and Cutaia (n 13) 39; see also Hamzić (n 89).

<sup>&</sup>lt;sup>102</sup>Mouzinho and Cutaia (n 13).

<sup>&</sup>lt;sup>103</sup>Ibid 45.

<sup>&</sup>lt;sup>104</sup>D Kapapelo, 'Mulher zungueira homenageada em livro', Portal de Angola, 15 January 2021, available at <a href="https://www.portaldeangola.com/2021/01/15/mulher-zungueira-homenageada-em-livro">https://www.portaldeangola.com/2021/01/15/mulher-zungueira-homenageada-em-livro</a>.

racial differences, which are celebrated and elevated yet not overlooked. It questions the dispossession of identity and exploitation in a global system that uses the Global North as a mirror to the other. It transcends ideas and conversations of the global colour line as an ever-evolving mechanism to deny rights.

#### V. Conclusion

A manifesto for silence is a deep structural call to feminist theorizing within international institutions and in response to the rise of global constitutionalism that presents feminist legal scholars with important questions about knowledge. Thus far, global institutions have deployed feminist knowledge to shore up the legitimacy and persistence of international institutional forms, while simultaneously reinscribing forms of knowledge that redefine feminism via dominant white and mainstream feminist histories. Our manifesto for silence centres the knowledge that is otherwise pushed to the peripheries of feminist histories and the feminist mainstream within international law. The peripheries, thus re-centred, transform the means by which feminism 'arrives' at the international and the futures to be constructed, which can no longer be perceived as a project that works within the forms and means that the international legal arena normalizes or reproduces.

We conclude with a reiteration of our call for active silence as a manifesto for feminist action that builds on anti-racist knowledge with a consciousness of its own relationship with power. This is not a utopian manifesto; it is an articulation of feminist peace, feminist labour and feminist anti-racism. Through the engagement with transnational feminisms, white feminists learn and unlearn their proximity to patriarchy and white supremacy. This opens possibilities for additional learning and unlearning, including with queer, postcolonial, Indigenous and disability studies – all of which provide a critique of mainstream, white, Western feminisms.

By necessity, our approach is in dialogue with TWAIL scholarship on global constitutionalism, which challenges a comparative constitutionalist project within international law that 'regularly make and rely on comparisons between constitutional cases, rights, systems and courts in a infinitesimally small handful of Western democracies - almost without question'. 105 Taking Lang's two spaces of critique within global constitutionalism, the failure to take into account a diversity of knowledge and the need for attention to colonialism and neocolonialism within academic and institutional practice, 106 we have approached feminist manifestos as an opportunity to talk beyond mainstream constitutionalism and mainstream feminist approaches. Written across a juncture where race and race politics in the United States emerged as a global political agenda, from Black Lives Matter to global studies of carceral policing and the critiques of post-slavery that emerged at the same juncture, we address global constitutionalism and feminist scholarship as sites that are embedded within global colour lines, where law works and has worked to obscure the gendered and racialized knowledge traditions that set the parameters for inquiry. In those conversations, the Zungueiras of Luanda have no voice and are silenced. While the Angolan state pursues a place at international decision-making tables, a colonial map of Angolan cities never totally eradicates alternative ways of walking, trading and voicing agency. The periphery of a state on the periphery of the Global South might be unsilenced

<sup>&</sup>lt;sup>105</sup>Kumar (n 25).

<sup>106</sup>Lang (n 23) 367.

and urge our own learning, a space for the silencing of dominant ways of labelling commerce, knowledge, voice and governance.

While there are certain benefits and synergy to including reflections of the wider conversation of activism and how different voices are represented in the scholarship, we have positioned this article to listen to the dialogue on the margins of the margins. The goal was to centre active silence as a response to neoliberal ideas of resistance, so as not to distract from the expansive scholarship that highlights the continuous conflicts rooted in anti-colonial struggles and racial integration faced in all parts of the world where colonialism and empire has left its mark. Our call for an abandoning of the idealized white subject of feminism is thus an inquiry into who is silenced by dominant feminist knowledge frames and the consequences of the interlocking of this knowledge with dominant approaches to global constitutionalism.

We argue for active silence as methodology. At one level, this is reminiscent of critical race feminisms from the United States that invoke a range of methodologies from intersectionality to world-travelling and multi-consciousness, while at another level we seek to move beyond the US frame to unearth alternative knowledge articulations. <sup>107</sup> Here we centred the marketplace of Luanda, the *musseques*, and in doing so we sought to interrogate assumptions in dominant white and mainstream feminist spaces – the first component of what we regard as a methodology of active silence. The marketplace unsettled stories of African women as inheritors of British or French colonial histories and a means for 'seeing' the colonial periphery in Lusophone Africa. The marketplace simultaneously unsettles liberal legal frames that approach women as victims and via vulnerability. The Zungueiras are at once returned combatants, entrepreneurs, agitators and activists. The second element of the methodology displaces the expected frame of whiteness 'arriving' in Africa to instead actively search for, learn about and listen to alternative and decolonized knowledges. Ahmed describes how a 'politics of encounters',

based on encounters between others is one bound up with responsibility – with recognising that (labouring) relations between others are always constitutive of the possibility of either speaking or not speaking. Beginning from an 'in-it-ness', a politics of encountering gets closer in order to allow the difference between us, as differences that involve power and antagonism, to make a difference to the encounter itself. <sup>108</sup>

Global constitutionalism makes strangers of African feminisms, violently relegated to the local and the concern of international interventions (monetary, humanitarian, feminist) but not the stuff of knowledge. In articulating an agenda for active silence, we imagine the diffusion of feminism in an undoing of white feminisms that owns its relationship to not only a specific history of privilege but also the ongoing violence of white supremacy, as well as the gains and the access points for white feminisms that walk with feminist articulations of gender in the 'halls of power'. 109

We close with acknowledgement of the circular process produced by active listening. Active listening as a feminist method can be used to open up silences within feminist knowledge frames, which then work backwards to become a tool to also challenge or decolonize the space of global constitutionalism. To return to our analysis of gender

<sup>&</sup>lt;sup>107</sup>See further Gunning (n 49); Matsuda (n 48).

<sup>&</sup>lt;sup>108</sup>S Ahmed, Strange Encounters: Embodied Others in Post-coloniality (Routledge, London, 2000) 180.

<sup>&</sup>lt;sup>109</sup>J. Halley, P. Kotiswaran, R. Rebouché and H. Shamir, *Governance Feminism: An Introduction* (University of Minnesota Press, Minneapolis, 2018).

expertise, this requires a two-step, integrated process: first, the recognition of the frames of global governance as not neutral and thus not 'receiving' feminist knowledge, action and interventions in a benign fashion, in fact more often re-shaping that knowledge in line with the dominant political and legal landscapes; 110 and second, an awareness that feminist knowledge is not immune to the same critique of the forms and flows that shape the contours of its interventions. Active silence is a process of doing decolonial feminism and undoing the space of nowhere of white feminisms. This should incorporate processes of unlearning and relearning to interpret unfamiliar articulations, or active alliance or peer education or, quite literally, a silencing of the continued articulation within the dominant voices of feminism; likewise, this might also mean instrumentalizing of existing interruptions into global governance to hand over spaces of global governance to feminist 'strangers'. In shifting the space of expertise to the *musseques* of Luanda, this article deploys the silencing of specific dominant feminist histories to prompt new questions about the location, methods and histories of feminist interruptions of the status quo in the way we care for *ixi ietu* (our land).

In this article, we have written the stories of the Zungueiras without a frame to realign their story with the expected form of gender interventions within global governance. At one level, as consequence, they remain outside of global governance. For Heathcote, this raises the question of what unlearning she must undertake to render the Zungueiras' voices as more than a strange encounter. For Kula, it involves accepting what it means to traverse between border spaces – whether imaginary or physical, intellectual or territorial/geographical – seeing the connections and disconnections between these identities, what they represent and what they frame as out of view. We close with a quote from the Feminist Principles for African Feminists:

Our experiences are linked to those of women in other parts of the world with whom we have shared solidarity and support over the years. While we affirm our space as African feminists, we are also inspired by our feminist ancestors who paved the way and made possible the affirmation of African women's rights. As we invoke the memory of these women whose names are rarely recorded in the history books, we insist that the claim that feminism was imported from the West into Africa is a profound insult. 112

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<sup>&</sup>lt;sup>110</sup>Houghton and O'Donoghue (n 1).

<sup>&</sup>lt;sup>111</sup>Ahmed (n 108).

<sup>&</sup>lt;sup>112</sup>O Fórum Feminista Africano, 'Letter of Feminist Principles to African Feminists', African Women's Development Fund, 2007 available online at: https://www.ondjangofeminista.com/a-carta-fem (accessed November 2022).