

CENTERING THE DISABLED WOMEN IN TWAIL FEMINISMS’ DISCURSIVE FRAMEWORK: SOME REFLECTIONS

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Modernity and its allied secular science placed the adult, European, bourgeois, heterosexual male body as the normative standard against which they compared ‘other’ bodies. In the state of being and becoming, the other bodies were negatively construed as ‘deviant’ and ‘inferior’. Such constructions and hierarchisation of embodiments have been used by colonialism, capitalism, and patriarchy, formulating a common domain of consciousness to justify the subjugation of most of the world. Similarly, Imperial Feminism came up with its own normative formulation of womanhood that excluded several categories of women, such as non-Western and disabled women. In this way, international law and Imperial Feminism universalise powerful provincials while erasing the peripheral and thus rendering certain embodiments and their lived experiences illegible and untranslatable. Against this hegemonic normativity, TWAIL Feminism comes as an epistemic challenge that attempts to provincialise patriarchy and colonialism. While TWAIL as a movement and a discursive practice debunked the Eurocentric metanarratives of international law, it failed to address the question of patriarchy. TWAIL feminisms decentres Europe and simultaneously challenges patriarchy and the mainstay of liberal feminisms. The paper argues that the democratic episteme of TWAIL feminisms demands the inclusion of disfranchised women from the Global South within their epistemic fold, such as disabled women whose experiences remain foreign to the ontology of international law. It is incumbent upon TWAIL Feminism to ward off the exclusion of disabled feminist scholars who are often treated as marginal scholars within the discipline of legal philosophy. In this heuristic attempt, TWAIL Feminism must give space and voice to the marginal, disabled feminist voices by attempting to obviate epistemic and testimonial injustice against disabled women.

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I. INTRODUCTION

The Third World, women, and the disabled are decentred subjects in the dominant discursive realms. The predicament of decentred subjects becomes acute when the epistemic power dynamics are seen in the light of the postcolonial critique of knowledge production. Whether

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viewed through the prism of disability, third-world positionality, or literary readings and representations of colonial encounters, the decentred subject faces a continuous challenge to its epistemic legitimacy. Chinua Achebe's 'Things Fall Apart' explores how indigenous cosmologies are overlooked within colonial frameworks. In Salman Rushdie's 'Midnight Children', Saleem Sinai's character is a classic example of how legibility of the postcolonial subject is only through hybrid and unstable forms of selfhood. The Third World, women, and the disabled as decentred subjects means unearthing their positionality in an epistemic double bind where they are forced to produce knowledge in a discursive realm that constrains, distorts, and subdues their lived experience. In this regime of truth and knowledge, these marginalised identities face persistent epistemic injustice. They are forced to dwell in an epistemic borderland.

In this backdrop, the disabled subject is often considered a defective knower,¹ as their knowledges are considered naïve and invalidated in the epistemic realm that privileges sentient life and knowledge emanating from it. Attributed to the taboo of the defective knower, disabled philosophers face discrimination and dismissal due to the "identity prejudice of the hearer".² As the normative body emerges as the body of the "able-bodied hegemon", minority bodies and their experiences become peripheral and anomalous, as they do not fit into the demand of "how bodies must do things and appear".³ The lived experiences of their peripheral embodiments are often erased in the formation of hegemonic knowledge. The question of embodiment becomes central in the feminist and Crip readings of the disciplines. However, in the hegemonic legal discursive practices, bodies are projected as passive materials that need to conform to the normative notions of appropriate bodily standards.⁴ Law, in its positivist avatar, operates on a particular view of normative claims regarding embodiment. The bodies that fail to conform to the prevailing dominant norms are then delegitimised or marginalised.⁵

The Third World and its scholarship have seen similar erasure in the disciplinary realm of international law, where mainstream international law ('MILS') has dominated and colonised the epistemic imagination of the discipline while simultaneously producing a deep disciplinary crisis as it fails to account for patriarchy, colonialism, capitalism,⁶ and their nefarious impact on the Global South and its peripheries.

¹ See Brayan Magee & Martin Milligan, *ON BLINDNESS: LETTERS BETWEEN BRYAN MAGEE AND MARTIN MILLIGAN*, (Oxford University Press, 1995); Anita Ghai, *Ignorance of Disability: Some Epistemological Question* in *DISABILITY STUDIES IN INDIA: INTERDISCIPLINARY PERSPECTIVES*, 81 (Nilika Mehrotra ed., 2020) (Expanding on this letter exchange Anita Ghai unpacks how disabled are seen as defective knowers).

² Joseph A. Stramondo, *The Ethics of Disability Passing and Uncovering in the Philosophy Classroom* in *THE BLOOMSBURY GUIDE TO PHILOSOPHY OF DISABILITY*, 452 (Shelley Lynn Tremain ed., 2024).

³ David T. Mitchell & Sharon L. Snyder, *THE BIOPOLITICS OF DISABILITY: NEOLIBERALISM, ABLENATIONALISM AND PERIPHERAL EMBODIMENT*, 181 (University of Michigan Press, 2015).

⁴ Samuel Walker, *EMBODIMENT AND THE LAW: A NEW APPROACH TO ANALYSIS, DISCOURSE AND REASONING*, vii (Edward Elgar Publishing, 2025).

⁵ *Id.*, 2.

⁶ Boaventura de Sousa Santos, *THE END OF THE COGNITIVE EMPIRE: THE COMING OF AGE OF EPISTEMOLOGIES OF THE SOUTH*, 1 (Duke University Press, 2018); See Fiona Kumari Campbell, *CONTOURS OF ABLEISM: THE PRODUCTION OF DISABILITY AND ABLEDNESS*, 5 (Palgrave Macmillan, 2009) (It is worth mentioning that the construct of "ableism" is directly linked with the exclusions produced by capitalism, colonialism, and patriarchy, which are also blind spots of the mainstream international law. For Fiona Kumari Campbell, ableism refers to "a network of beliefs, processes and practices" that projects a certain corporeal standard as the perfect, essential, and fully human. In this network of belief, then, disability is construed as "a diminished state of being"); See TALILA A. LEWIS, *Working Definition of Ableism-January 2022 Update*, available at <https://www.talilalewis.com/blog/working-definition-of-ableism-january-2022->

Disabled embodiments, womanhood, and the Third World as epistemic categories share several affinities, yet they remain distant. Their epistemic assertions often come in silos against the dominant reading of the mainstream discipline. Third World Approaches to International Law ('TWAAIL') has successfully unearthed the coloniality of international law but failed to account for patriarchy, caste, and misappropriation of decolonisation.⁷ The feminist approach to international law (internationally written in the singular here, as it often merely represents imperial/governance feminism) is predominantly defined by imperial and governance feminisms, erasing the multiplicity of women's experiences. The disabled experiences and the Crip reading of international law are simply absent.⁸

The "subject" position has traditionally been assigned to a white male in the mainstream Western philosophical tradition.⁹ The "Western white male subject" is presented as the embodiment of objective knowledge that has an "unmarked position as a male and white",¹⁰ and this representation of objectivity and 'perspectivelessness' obscures the fact that every knowledge is subjectively situated and embodied.¹¹ The denial of space-time and erasure of peripheral embodiments create what Sharmila Rege describes from a Dalit feminist standpoint as subjects rendered "epistemically unfamiliar".¹² Rege opines that Dalit women talk differently because their testimonies underscore the limits of the Brahminical and patriarchal knowledge system. Such a knowledge system posits them as ontological strangers whose lives and experiences cannot be fully recognised and accommodated within hegemonic epistemologies.¹³ As Davies notes in jurisprudence, the discipline similarly continues to privilege educated, white (implicitly abled-bodied) men,¹⁴ reinforcing structural hierarchies that confine marginal subjects to the periphery.

update (Last visited on October 24, 2025) (Talila A. Lewis directly links the question of ableism with these blind spots of MILS. She sees, in her working definition, ableism as "a system of assigning value to people's bodies and minds" through socially constructed ideas of normalcy which are deeply embedded in "eugenics, anti-Blackness, misogyny, colonialism, imperialism, and capitalism").

⁷ Vijay Kishor Tiwari & Madhav Pooviah, *TWAAIL and the Question of Caste and Misappropriation of Decolonisation: Some Provocations*, Vol. 10(2), RGNUL STUDENT RES. REV., 119–141 (2025); See also Ashna Singh, *The Teaching and Researching of Critical International Law in TWAAIL*, SLR FORUM, September 5, 2025, available at <https://forum.nls.ac.in/slr-forum-blog/teaching-researching-critical-twail/> (Last visited on October 24, 2025).

⁸ The erasure of disabled or crip reading in international law is not surprising, as the dominant and prevailing social contract model in legal philosophy has not been able to make sense of three 'unresolved problems', namely, impairment and disability, the question of nationality, and the question of species membership. See Martha C. Nussbaum, *FRONTIERS OF JUSTICE: DISABILITY, NATIONALITY, SPECIES MEMBERSHIP* (Harvard University Press, 2006).

⁹ Margaret Davies, *ASKING THE LAW QUESTION*, 12 (Thomson Reuters Australia, 4th edn., 2017).

¹⁰ Kimberle Williams Crenshaw, *Towards a Race-Conscious Pedagogy in Legal Education Foreword*, Vol. 11(1), NAT'L. BLACK L. J., 114 (1988) available at https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3995&context=faculty_scholarship (Last visited on November 24, 2025).

¹¹ Foluke Adebisi, *DECOLONISATION AND LEGAL KNOWLEDGE: REFLECTIONS ON POWER AND POSSIBILITY*, 7 (Bristol University Press, 2024).

¹² Sharmila Rege, *Dalit Women Talk Differently: A Critique of "Difference" and Towards a Dalit Feminist Standpoint*, Vol. 33(44), E.P.W., 39–41 (1998).

¹³ Sharmila Rege, *WRITING CASTE, WRITING GENDER: READING DALIT WOMEN'S TESTIMONIOS*, xiii–xx (Zubaan, 2006).

¹⁴ Davies, *supra* note 9, 225.

The non-dominant experiences are excluded and erased by tabooing them as “defective” or “distorted”. Such erasures foreclose new epistemic possibilities. Furthermore, it is expressed through a violent epistemic gaslighting against those whose embodied knowledge refuses to accept the hagiographic reading of the discipline's dominant epistemic and methodological practice.¹⁵

TWAIL, as an alternative episteme, problematises the methodological whiteness and its logic of coloniality by gazing at “international law as a regime and the discourse of domination and subordination”.¹⁶ Luis Eslava opines that, as an intellectual project, TWAIL attempts to change the register of analysis by approaching the international law discipline through *sentipensar* in order to achieve a just world for humans, non-human animals, and the natural environment.¹⁷ In this emancipatory oeuvre, TWAIL attempts to free the subjugated epistemology¹⁸ and challenge the dominant reading of the discipline. As a “historically aware methodology”,¹⁹ TWAIL has attempted to debunk the valorisation of the disciplinary myths produced by the dominant reading of international law, which constitutes international law’s scholarly consensus. It has attempted to bring forth the subjugated epistemologies by valorising “hierarchically inferior knowledge with historical contents that have been buried and masked”.²⁰

TWAIL and Feminist Approaches to International Law share a common intellectual impulse of centring international discourse on alternative epistemologies emanating from marginalised and disfranchised subjectivities. However, as TWAIL has entered into our academic discourse as one of the principal languages of decentring Europe and Euro-modern laws, it would be a necessary exercise to fill the epistemic gaps left by it. Radically, we can also probe the erasure

¹⁵ Adebisi, *supra* note 11, 9.

¹⁶ Makau Mutua, *What is TWAIL, Proceedings of the 94th Annual Meeting, American Society of International Law*, April 5-8, 2000, available at https://digitalcommons.law.buffalo.edu/journal_articles/560 (Last visited on December 21, 2025).

¹⁷ Luis Eslava, *A Sensibility to Think and Do the World Anew* in *THIRD WORLD APPROACHES TO INTERNATIONAL LAW HANDBOOK* (December 17, 2025) (unpublished book chapter) available at <https://share.google/ujIyeZLH2FhkUGhF3> (Last visited on September 20, 2025); *See also* Luis Eslava, *TWAIL Coordinates*, *CRITICAL LEGAL THINKING*, April 2, 2019, available at <https://criticallegalthinking.com/2019/04/02/twail-coordinates/> (Last visited on September 20, 2025); *Sentipensar* constitutes a decolonial epistemological framework that transcends the Cartesian bifurcation between rational cognition and affective experience. Emerging from Latin American and Indigenous intellectual traditions—most notably articulated by Orlando Fals Borda—it foregrounds the inseparability of *sentir* (to feel) and *pensar* (to think) as co-constitutive modalities of knowing and being. Within this paradigm, knowledge is not abstract or disembodied but relational, situated, and affectively attuned to the social and ecological worlds from which it arises. As such, *sentipensar* reconfigures epistemic practice toward an ethics of interconnectedness, challenging Western hegemonies of reason and affirming alternative, embodied modes of world-making. *See* Orlando Fals Borda, *SENTIPENSAR: THINKING AND FEELING OUR WAY TO THE FUTURE* (1984); *See also* Paola Chaves Pérez, *Decolonial Knowledge in Practice: A Mestiza Reflection on Sentipensar in Indigenous Nasa Epistemologies*, Vol. 10, *FRONTIERS IN SOCIOLOGY* (2025) available at <https://www.frontiersin.org/journals/sociology/articles/10.3389/fsoc.2025.1605618/full> (Last visited on November 13, 2025).

¹⁸ Pooja Parmar, *TWAIL: An Epistemological Inquiry*, Vol. 10, *I.C.L.R.*, 363–370 (2008).

¹⁹ James T Gathii, *TWAIL: A Brief History of Its Origins, Its Decentralized Network, and a Tentative Bibliography*, Vol. 3(1), *TRADE L. & DEV.*, 26–64, (2011) available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1933766 (Last visited on November 14, 2025).

²⁰ Michel Foucault, *SOCIETY MUST BE DEFENDED: LECTURES AT THE COLLEGE DE FRANCE 1975-76*, 7 (Mauro Bertani & Alessandro Fontana eds., Picador, 1st edn., 2003).

and silences within it on the question of caste, gender, and disability.²¹ Arnulf Becker Lorca points out that TWAIL’s success and meteoric rise are acknowledged as “having become part of the disciplinary mainstream, TWAIL ‘civilizes’ international law”.²² The mainstreaming of TWAIL, thus, demands highlighting the erasure and silences within it, in order to keep its epistemic democratisation intact.²³

The TWAIL scholarship is broadly said to have spanned two generations of scholars, namely TWAIL-I and TWAIL-II. TWAIL-I and TWAIL-II share a common epistemic purpose to unmask the centrality of colonial logic and continuity of coloniality in international law. Still, they share different epistemic trajectories to do so. TWAIL-I did not see the universality of international law as a problem, and its appraisal of the relationship between colonialism and international law was ‘fuzzy’. TWAIL-II took a more assertive position in unmasking the linkage of colonialism and international law in its attempt to challenge the elitist historiography of international law that centres Euro-America in its discursive realm. However, B.S. Chimni’s listing of TWAIL-I and TWAIL-II scholars is telling. He lists George Abi-Saab, R.P. Anand, Mohammad Bedjaoui, T.O. Elias, Nagendra Singh, J.J.G. Syatauw, and Christopher Weeramantry as TWAIL-I scholars and Antony Anghie, B.S. Chimni, James Gathii, Karin Mickelson, Vasuki Nesiah, Obiora Okafor and Balakrishnan Rajagopal as TWAIL-II scholars. This listing is telling as it features Vasuki Nesiah and Karin Mickelson, who are the only female scholars in the TWAIL scholarship. Dalit and other marginalised communities are simply absent. The Dalit or Crip reading of international law can enrich TWAIL itself by addressing the fault lines of TWAIL and the question of “internal colonialism”. The erasure of marginalised communities in TWAIL, an alternative epistemology, says much about how scholarship is structured. The scholarship of marginalised communities is often not highlighted enough due to the lack of access, as they are cited, counted, and critiqued enough to be recognised as mainstream scholarship. For example, one cannot fail to notice that the epistemic valorisation of TWAIL came up with an ambivalent response to the continued debilitation of Palestinians.²⁴ This truism gets aggravated by the fact that TWAILers of India have failed spectacularly in mounting any serious challenge to the right-wing ideology in its attempt to misappropriate decoloniality. In India, Hindutva forces have supported Israel’s war efforts while simultaneously claiming their authorship over decolonisation.²⁵ Similarly, the televised spectacle of the *South Africa v. Israel* provisional measures case or the liberal legalism of the International Court of Justice could not stop Israel’s brutal military

²¹ See Srinivas Burra, *TWAIL’S Others: A Caste Critique of TWAILers and Their Field of Analysis*, Vol. 33(3), WINDSOR YB. ACCESS JUST., 111–128 (2016).

²² Arnulf Becker Lorca, *After TWAIL’s Success, What Next? Afterword to the Foreword by Antony Anghie*, Vol. 34(4), EUR. J. OF INT. LAW, 779–786 (2023).

²³ See B. S. Chimni, *The Past, Present and Future of International Law: A Critical Third World Approach*, Vol. 8, MELB. J. INT’L L., 501 (2007) available at https://law.unimelb.edu.au/_data/assets/pdf_file/0010/1683145/Chimni.pdf (Last visited on November 14, 2025); See also B. S. Chimni, *INTERNATIONAL LAW AND WORLD ORDER: A CRITIQUE OF CONTEMPORARY APPROACHES* (Cambridge University Press, 2nd edn., 2017).

²⁴ Mohsen al Attar, *Reimagining Palestine in TWAIL Scholarship: A Conversation with Noura Erakat*, OPINIO JURIS, October 10, 2023, available at: <https://opiniojuris.org/2023/10/10/reimagining-palestine-in-twail-scholarship-a-conversation-with-noura-erakat/> (Last visited on November 24, 2025).

²⁵ Meera Nanda’s recent book makes a powerful critique of postcolonial scholarship in enabling the Hindu Nationalism Project. Nanda calls postcolonial Left and Hindu Right as “strange bedfellows”. Meera Nanda, *POSTCOLONIAL THEORY AND THE MAKING OF HINDU NATIONALISM: THE WAGES OF UNREASON*, 1 (Taylor & Francis, 2025); See also Vijay Kishor Tiwari & Madhav Pooviah, *TWAIL and the Question of Caste and Misappropriation of Decolonisation: Some Provocations*, Vol. 10(2), RGNUL STUDENT RES. REV., 119–141 (2025).

operations in Gaza. Moreover, the concept of human security and Responsibility to Protect (‘R2P’) that have been used in various interventions in the “Third World” have lost their meaning, purpose, and teeth against Israel in order to protect the brutal maiming and debilitation of Palestinians. Hence, the question of Palestine demands new ways of being and knowing within the discursive practices of international law.

I propose the possibility that a Crip reading of international law may allow us a better vantage to address difficult questions, such as Palestine and its debilitation. As an insurgent alternative episteme, it has the potential to unmask the everyday problems of ‘sovereignty trouble’ (borrowing from Judith Butler’s ‘gender trouble’) in which postcolonial nations do the ‘performativity’ of Westphalian sovereignty to become a ‘normal state’. Much like compulsory-able-bodiedness or ableism, ‘sovereignty’ continues to present certain peoples in the “diminished state of being” who are hermeneutically marginalised. The dominant readings of international law put Palestine in a hermeneutically marginalised position in which Palestinians have been blocked from meaning-making and meaning-sharing within international law. A Crip reading of international law attempts to read against the grain to problematise the marginalisation of Palestinians and their debilitation in international law from a Crip embodied positionality. As disability defies the normative body framework and since it “[T]ends to operate according to its own idiosyncratic rules [...] (it) situates the disabled person within the social space of difference that forever alienates the ‘afflicted’ from the normative conventions of everyday social and scientific interaction”.²⁶ Alienation as a category plays a crucial role in examining disciplinary ableism in various forms.²⁷ The Third World and the disabled are the categories produced, enabled, and sustained by the processes of colonialism, capitalism, and ableism that manifest themselves, *albeit* in different avatars.²⁸ Both categories are shaped by direct and structural violence against specific embodiments and groups.²⁹ The categories of the Third World and the disabled are victims of epistemic injustice³⁰ and oppression. Epistemic injustice against the disabled, the Third World, and women is a common feature. It obviates or erases the capacity of these categories as knowers and subdues their voices. Their non-dominant experiences are not believed or taken into

²⁶ David Mitchell and Sharon Snyder, *THE BODY AND PHYSICAL DIFFERENCE: DISCOURSE OF DIFFICULTY*, 3, 4 (University of Michigan Press, 1997).

²⁷ Alienation is a significant probing category for TWAIL and critical disability scholarship. Prof. Chimni uses the term “alienation” “to denote aspects of the estranged relationship between individuals, societies, and nature, regulated by international law under capitalism”. Similarly, critical disabilities scholarship also probes the production of alienation of disabled embodiment within the neoliberal framework that promises its inclusion. *See* Chimni, *supra* note 23, 501; *See also* Mitchell & Snyder, *supra* note 26, 3.

²⁸ Ashish Nandy points out that modern scientific knowledge production and colonialism have clear links as “mutually potentiating forces defining a common domain of consciousness”. The process results in privileging one identity over the other. The hierarchical formation colonialized construct of the dominant episteme produces the following hierarchy, development/underdevelopment, sanity (normality)/insanity (abnormality), maturity (adulthood)/immaturity (childhood), rationality/irrationality. Ashis Nandy, *Culture, Voice and Development* in *BONFIRE OF CREEDS: THE ESSENTIAL ASHIS NANDY*, 313 (Oxford University Press, 2004).

²⁹ Paul E. Farmer et al., *Structural violence and clinical medicine*, Vol. 3(10), PLOS MED., 1686–1691 (2006) available at <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.0030449> (Last visited on November 14, 2025) (Structural violence describes “social structures-economic, political, legal, religious, and cultural- that stop individuals, groups, and societies from reaching their full potential ... they seem so ordinary in our ways of understanding the world that they appear almost invisible ... The idea of structural violence is linked very closely to social injustice and the social machinery of oppression”).

³⁰ Mohsen al Attar, *Of Palestinian Liars and Israeli Saints: Confronting Anti-Palestinian Racism in International Law*, *OPINIO JURIS*, April 5, 2025, available at <https://opiniojuris.org/2024/04/05/of-palestinian-liars-and-israeli-saints-confronting-anti-palestinian-racism-in-international-law/> (Last visited on June 4, 2025).

consideration adequately. Epistemic injustice results in testimonial injustice, which has nothing to do with “attributions of insincerity, irrationality, and incompetence [...]” but rather “with the speaker’s capacity than they did with ‘identity prejudice in the hearer’”.³¹ In this way, the capacity of certain groups as speakers and knowers is dismissed, tabooing them as not credible or defective knowers. An autistic child’s slow response and habit of not making eye contact, and her non-normative body, gestures, and cues get dismissed by an abled-bodied interlocuter teacher’s biases.³² The Third World faces similar testimonial injustices against the dominant voices of international law that are further enabled by imperialism and settler colonialism.³³ As Mohsen Al Attar points out, with reference to the current Israeli-Palestine conflict, that there is an intrinsic relationship between testimonial injustice and legal discourse, and anti-Palestinian racism augments epistemic injustice in the discipline of international law.³⁴ Pinar Bilgin and Monica Herz identify the testimonial erasure and hermeneutical marginalisation in the field of nuclear security by asking a pertinent question as to “how is it that some speak (nuclear) security on behalf of the international community, while others, even as they seek to contribute on ongoing non-proliferation efforts, are portrayed as ‘lacking’ the requisite qualities to do so?”³⁵ To highlight the hermeneutical marginalisation of non-Western countries in the discipline, Bilgin and Herz deconstruct the events unfolded after May 17, 2010, when Brazil and Turkiye announced their brokered deal with Iran to resolve the crisis emanating from Iran’s non-compliance with the Nuclear Proliferation Treaty. However, such mediation efforts were not accepted by the Western Bloc led by the US administration under Barack Obama. Both scholars focus on this method of denial by deploying “close reading” as a methodological tool to read the records of the 6335th meeting of the United Nations Security Council. This meeting proposed new sanctions against Iran and denied mediation efforts by Brazil and Turkiye. Those who voted in favour of these sanctions portrayed Brazil and Turkiye as “naïve actors” who “lack” the capacity to speak for the “international” community.³⁶ The phenomenological experiences of the Third World and the disabled are often shaped by asymmetrical power structures, characterised as “dominated lives,” in which their ability to make sense of their own experiences is often constrained. As Nancy Hartsock suggests, “the dominated live in a world structured by others for their purposes”.³⁷ In this epistemically asymmetrical power structure, the powerful are able to shape the collective social understanding from their epistemological perspective.³⁸ Unequal hermeneutical participation thus results in the hermeneutical marginalisation of certain communities, as they are blocked from

³¹ Miranda Fricker, *EPISTEMIC INJUSTICE: POWER AND ETHICS OF KNOWING*, 1 (Oxford University Press, 2007).

³² Amandine Catala, *Epistemic Injustice and Epistemic Authority on Autism* in *THE BLOOMSBURY GUIDE TO PHILOSOPHY OF DISABILITY*, 248 (Shelley Lynn Tremain ed., 2024).

³³ Vijay Kishor Tiwari, *CIVILIZING MISSION OR CRUSADE FOR HUMAN RIGHTS: CRITICAL STUDY OF RESPONSIBILITY TO PROTECT AS AN EVOLVING NORM IN INTERNATIONAL LAW* (Ph.D., National Law School of India University, 2024).

³⁴ Attar, *supra* note 30.

³⁵ Pinar Bilgin & Monica Herz, *Who Speaks (Nuclear) Security on Behalf of the International Community?*, Vol. 13(2), *CRITICAL STUDIES ON SECURITY* (2025) available at <https://doi.org/10.1080/21624887.2025.2540686> (Last visited on November 14, 2025).

³⁶ “International community” was defined by Tony Blair in his famous speech given to the Economic Club of Chicago in 1999 in which he asserted that if “we can establish and spread the values of liberty, the rule of law, human rights and an open society then that is our national interest”. One cannot escape the fact that these values are often associated with Western values and hence, this assertion excludes most of the world from the oeuvre of “international community”. See TONY BLAIR, Prime Minister of the United Kingdom, *Doctrine of the International Community* (Economic Club of Chicago, April 22, 1999).

³⁷ Fricker, *supra* note 31, 147.

³⁸ *Id.*

meaning-making and sharing their own experiences.³⁹ In this situation of hermeneutical marginalisation, Third World and disabled lives mirror each other, in which both are treated as “naïve” who “lack” the epistemic capacity. Such a juxtaposition of the non-Western countries and the disabled as categories comes in the process of suppressing certain discourses. Foucault, in ‘The Order of Discourse’,⁴⁰ identified three subtle regulations to suppress certain discourses. These regulations include the taboo on the distinction between madness and sanity, as well as institutional ratification. The second regulation, namely the distinction between madness and sanity, is important to understand the juxtaposition of the non-Western world and the disabled. The distinction between reason and insanity produces a figure of a “madman” who is denied agency to produce any discourse, as the utterances of a madman are neither authentic nor true. Madman is juxtaposed against the “thinking, rational individual” and remains the “invalid other” who is able to produce only naïve knowledge that lacks scientificity or rationality. Margaret Davies opines, “Madness is the effect of the Age of Reason, the ‘other’ which has been excluded and against which reason defines itself. If we are to insist upon our reason, our autonomy, our completeness, we must not be mad. We must protect what we are from what we are not”.⁴¹

When situated within colonial, developmental, and legal discursive regimes, the reason–madness division operates as a classificatory technology that not only restricts access to discourse but actively constitutes subjects as rational, authoritative agents or, conversely, as deficient, irrational, and epistemically suspect. In these regimes, the disabled subject and the non-Western actor are produced as figures whose embodied histories and political claims fall outside the sanctioned boundaries of reason. Davies’ observation that modern rationality secures itself by continuously expelling “madness” elucidates how international relations and international law reproduce these operations: as Bilgin and Herz demonstrate, leaders and scholars from the Global South are frequently rendered “naïve”, “unpredictable”, or part of a “madman” discourse, thereby positioning them as subjects whose speech is structurally disqualified as knowledge.⁴²

The liberal disability discourse’s methodological whiteness is not hidden.⁴³ It produces a segment of “able-disabled”,⁴⁴ by giving them a grudging admission into normative citizenship, by excluding the majority of the disabled. Often led by elite and educated middle-class disability activists, the disability movement, Anita Ghai argues, does not engage with the subtle conceptual and cultural nuances that influence the nature of (disability) survival.⁴⁵ Disabled women’s issues do not get promptly featured in this metropolis’ avatar of disability activism. This comes as a double whammy when the feminist movements and discourses erase the agenda of disabled women. Some women disability scholars have termed this erasure of disabled women in

³⁹ Fricker, *supra* note 31, 153.

⁴⁰ Michel Foucault, UNTYING THE TEXT: A POST-STRUCTURALIST READER, Chapter 3, 52 (Robert Young ed., Routledge & Kegan Paul, 1981).

⁴¹ Davies, *supra* note 9, 276.

⁴² Putin’s portrayal in Western media after the Russian invasion of Ukraine is quite instructive. He is being projected as a “madman”. Xander Landen, *Putin ‘went crazy’ when ‘not met with flowers’ in Ukraine: Exiled Oligarch*, NEWSWEEK, April 3, 2022, available at <https://www.newsweek.com/putin-went-crazy-when-not-met-flowers-ukraine-exiled-oligarch-1694570> (Last visited on October 23, 2025); *See also* Tiwari, *supra* note 33.

⁴³ Jasbir K. Puar, THE RIGHT TO MAIM: DEBILITY, CAPACITY, DISABILITY, xix (Duke University Press, 2017).

⁴⁴ Mitchell & Snyder, *supra* note 3, 35.

⁴⁵ Anita Ghai, *Disabled Women: An Excluded Agenda for Indian Feminism*, Vol. 17(3), HYPATIA, 49–66 (2002) (‘Agenda’).

feminist discourses as “aggressive”.⁴⁶ Anita Silvers points out that feminist theories privilege certain competencies and roles of “normal” women, until they become standards of womanhood against which disabled women shrink into invisibility.⁴⁷ TWAIL Feminism promises a unique liminal discursive space where the question of Third World womanhood and disability can be in dialogue with each other, defying *a priori* assumptions. The promise of the plurality of TWAIL feminisms,⁴⁸ its attempt to provincialise patriarchy and Eurocentricity, its acute awareness of the failings of liberal feminism, and its urge to read “against the grain” to delegitimise the dominant reading of international law provide a welcoming gesture for disabled and debilitated women to tell their stories without facing the biases of interlocutors. The ‘invisibilised’ identity, thus formed, may speak through TWAIL feminisms.

II. TWAIL FEMINISMS AND DISABLED WOMEN OF THE GLOBAL SOUTH: THE PROMISE OF DIALOGUE AND PERIPHERY

The feminist scholarship in the Global South has taken several intersectional nodules into account while engaging with the question of embodiment, such as caste, class, and colonisation; however, it has, hitherto, failed to consider the impaired body within its analytical fold.⁴⁹ The dialogue, as transversal politics, allows standpoint epistemologies to gaze beyond the limits of identities on the issues at hand.⁵⁰

Privileging the epistemic authority of non-disabled people allows them to have judgments on distinct embodiments. Based on the ableist epistemology of ignorance, such judgments reinforce the hierarchical taxonomies of power.⁵¹ The mainstream non-disabled philosophy that attempts to masquerade as value-neutral, objective, and detached has enabled cis-gendered and heteronormative whiteness in philosophy at the cost of obscured and subjugated identities and their narratives.⁵² However, due to the postmodern turn and resistance of marginalised groups, several visible marginalised groups are finding their place in the mainstream discourses. A statement in the National Autonomous Women’s Movement held in Kolkata in 2006 recognised intersections within feminist movements as it stated: “We believe that as women, we share common interests and goals [...] But caste, nation, class, religion, ethnicity, sexuality, ability, or disability are rooted social constructs which create multiple identities for many of us”.⁵³ Barbara Smith, for example, attempted to provide a definition of feminism as “the political theory

⁴⁶ Anita Ghai, *Ignorance of Disability: Some Epistemological Question* in *DISABILITY STUDIES IN INDIA: INTERDISCIPLINARY PERSPECTIVES*, 81 (Nilika Mehrotra ed., 2020); *See also* Nivedita Menon, *Salaam Anita! 1958-2024*, KAFILA – COLLECTIVE EXPLORATIONS SINCE 2006, available at: <https://kafila.online/tag/anita-ghai/> (Last visited on October 24, 2025).

⁴⁷ Anita Silvers, *Women and Disability* in *BLACKWELL COMPANION OF FEMINIST PHILOSOPHY*, 331 (A. Jaggar & I.M. Young eds., Blackwell, 1998).

⁴⁸ Sujith Xavier, *#FeministTWAIL: Symposium Introduction*, TWAILR: REFLECTIONS, available at <https://twailr.com/feministtwail-symposium-introduction/> (Last visited on October 21, 2025).

⁴⁹ Agenda, *supra* note 45, 55.

⁵⁰ JosAnn Cutajar & Casimir Adjoe, *Whose Knowledge, Whose Voice? Power Agency and Resistance in Disability Studies for the Global South* in *DISABILITY IN THE GLOBAL SOUTH: THE CRITICAL HANDBOOK*, 503 (Shaun Grech & Karen Soldatic eds., 2016).

⁵¹ Shelley Lynn Tremain, *Introduction* in *THE BLOOMSBURY GUIDE TO PHILOSOPHY OF DISABILITY*, ix (Shelley Lynn Tremain ed., 2024).

⁵² *Id.*, 2.

⁵³ Svati P. Shah, *Sex Workers’ Rights and Women’s Movements in India: A Very Brief Genealogy* in *NEW SOUTH ASIAN FEMINISMS: PARADOXES AND POSSIBILITIES* (Srila Roy ed., Zed Books, 2012).

and practice that struggles to free all women”.⁵⁴ Smith includes disabled women in her definition of feminism, along with queer, women of colour, and working-class women. The postmodern turn in feminism allowed for bringing intersectional concerns within the feminist understandings that resisted imperial feminist tendencies within gendered international law.⁵⁵ Bringing these localised and vernacular experiences challenged the way of knowing, which was foregrounded on grand theories of gender and sexuality. The postmodern turn in feminist theory unpacked the specific ways in which systems of oppression relate to each other in different contexts, providing a possibility of bringing the discourse of marginalised women into the feminist discourse.⁵⁶

However, the questions of disability and disabled embodiment are still at the margins, getting only a hyphenated epistemic existence through haphazard inclusions. Shelley Tremain pointed out the inaccessibility of philosophy conferences that drastically constrains the efforts of disabled feminists and reproduces segregationist practices in philosophy.⁵⁷

The illusion of autonomy, rationality, and control of Euro-American subjects of the mainstream disciplines is achieved by subduing or rendering invisible African American subjects in a racist society.⁵⁸ In order to maintain the illusion of normalcy and wholeness, non-disabled subjects attempt to suppress their “Other” and their “deviant image”. Hence, the construction of the normative self remains dependent on the non-normative figure of the disabled “Other”. The experiences of disabled women remain alien in feminist theories as their lived experiences are often ignored, and thereby, feminists often see the “construction of disabled women as being outside the hegemony of normalcy”.⁵⁹ The denial of sexuality, epistemic authority, and testimonial justice puts the disabled woman in an extremely marginalised position, even within the emancipatory project of feminism. The crisis of liberal feminism is visible, and the disabled woman's erasure is an acute example of the failure and crisis of liberal feminism.

The liberal disability discourse also excludes the question of disabled women. Its exclusionary agenda does not engage with the nuanced distinction between debility and disability. As Jasbir Puar explains, debility is different from disablement as it represents the constant wearing down of the population through “global injustice and the war machines of colonialism, occupation, and US imperialism”.⁶⁰ The liberal discourse produces a reclamation of disability as a valuable difference through the language of rights, visibility, and empowerment, but escapes the question of the production of mass debilitation.⁶¹ Hence, Puar, in her radical reading on the question of disability, mobilises “debility” as a necessary disruption in the category of disability. She presents debilitation as “expected impairment” as a normal consequence.⁶² It does not flatten the category of disability but exposes that the liberal concept of disability often gets instrumentalised by the state discourse of inclusionism in order to produce, sustain, and proliferate the mass debilitation

⁵⁴ Barbara Smith, *Racism and Women's Studies* in MAKING FACE, MAKING SOUL: HACIENDO CARAS, 25 (Gloria E. Anzaldúa ed., Aunt Lute, 1990).

⁵⁵ Davies, *supra* note 9, 236.

⁵⁶ *Id.*

⁵⁷ Tremain, *supra* note 51, iii.

⁵⁸ Nirmala Erevelles, *DISABILITY AND DIFFERENCE IN GLOBAL CONTEXTS: ENABLING A TRANSFORMATIVE BODY POLITIC*, 56 (Springer, 2011).

⁵⁹ Agenda, *supra* note 45, 58.

⁶⁰ Puar, *supra* note 43, xvii.

⁶¹ *Id.*, xvii.

⁶² *Id.*, xvi.

of the ‘othered’ segment of the population.⁶³ Such discourse on disability gets epistemically misappropriated by the able-nationalist discourse that privileges compulsory able-bodied muscular discourses.⁶⁴ Sayan Bhattacharya points out that a totalitarian state masquerading as liberal may enact laws to give rights to certain minoritised groups while simultaneously debilitating the “devalued others” whose condition of debilitation is produced by the violent nation-state.⁶⁵ Therefore, though the disabled are classified as an oppressed minority group in liberal state-centric disability discourse, it can simultaneously be used as a category to justify the oppression of other minority groups.⁶⁶ Such liberal discourse on disability gets misappropriated by the state instrumentalities in order to conceal the exclusions and marginalisation within its fold. The benign liberal discourse on disability only takes the privileged few within its fold while excluding the majority of the disabled population that cannot secure the ‘bare minimum’.⁶⁷ By ignoring the question of colonialism and mass debilitation through its methodological maleness and whiteness, the liberal disability discourse not only excludes several segments within it, such as disabled women, but also becomes a principal tool of mass debilitation. It plays a role akin to pinkwashing, which has played a significant role in the settler colonialism of Israel. Puar points out that the dominant LGBTQ+ discourse of Europe and North America presents itself as a measurement of teleological progress.⁶⁸ She points out that in Israel, as it presents itself as a pioneer of homonationalism, the accommodation of LGBTQ+ comes at the crosshairs of settler colonialism, occupation, and neoliberal accommodationism.⁶⁹ In the same way, able-nationalism is also showcased as American exceptionalism in which American national claims of “moral caring on behalf of the displaced, marginalised and differentially embodied” are made in order to support U.S. interests as a world leader.⁷⁰

As TWAIL feminisms’ genesis lies in the disciplinary crisis of international law and liberal feminism, it needs to locate the disabled women within its fold. Global South womanhood and even the Third World are not monolithic, static, and settled categories. The Third World and womanhood can be interrogated from the vantage point of the disabled woman. Nirmala Erevelles disrupts the category of the Third World by rejecting “traditional, ahistorical, and apolitical conceptualisation that geographically situates the Third World in the former colonies of

⁶³ Mitchell & Snyder, *supra* note 26, xvi.

⁶⁴ See Vijay K. Tiwari & Kannabiran Kalpana, *Divyang, ‘Sitaare Zameen Par’ and the constitutional lives of the disabled*, SUPREME COURT OBSERVER, August 14, 2025, available at <https://www.scobserver.in/journal/divyang-sitaare-zameen-par-and-the-constitutional-lives-of-the-disabled/> (Last visited on October 24, 2025); Vijay K. Tiwari, *Best of Times, Worst of Times: Making Sense of Justice Chandrachud’s Disability Jurisprudence*, SUPREME COURT OBSERVER, November 23, 2024, available at <https://www.scobserver.in/journal/best-of-times-worst-of-times-making-sense-of-justice-chandrachuds-disability-jurisprudence/> (Last visited on October 24, 2025); Vijay K. Tiwari, *The Supreme Court as Protagonist in a ‘Crip’ Story: Some Plaudits, Some Anxieties*, SUPREME COURT OBSERVER, January 17, 2025, available at <https://www.scobserver.in/75-years-of-sc/the-supreme-court-as-protagonist-in-a-crip-story-some-plaudits-some-anxieties-disabled-persons/> (Last visited on October 24, 2025).

⁶⁵ Sayan Bhattacharya, *The Broken Others of the Nation State: Debility, Capacity and Dissent*, Vol. 39(6), CULTURAL STUDIES, 850–859 (2025) available at <https://www.tandfonline.com/doi/abs/10.1080/09502386.2025.2527044> (Last visited on November 14, 2025).

⁶⁶ Douglas Baynton, *Disability and the Justification of Inequality in American History* in THE NEW DISABILITY HISTORY: AMERICAN PERSPECTIVES, 33–57 (P. K. Longmore & L. Umansky eds., NYU Press, 2001).

⁶⁷ Anita Ghai, (DIS)EMBODIED FORM: ISSUES OF DISABLED WOMEN (Har-Anand Publications, 2003).

⁶⁸ Puar, *supra* note 43, 97.

⁶⁹ *Id.*

⁷⁰ Mitchell & Snyder, *supra* note 3, 17.

Europe”.⁷¹ She deploys an expansive understanding of the Third World to expose the exploitation of global capitalism in former colonies and imperialist states.

In this expansive meaning of “Third World”, disabled subjects get visibility, and they become part of the core definition of the Third World as she deploys Frantz Fanon’s conception of internal colonisation to include “disabled people, who have also historically been segregated in prison-like complexes such as special classrooms, sheltered workshops, nursing homes, and state institutions that have been effective in rendering their denizens invisible”.⁷² Mohanty’s alternative conceptualisation of the Third World also disrupts the stereotypical definition of the Third World as it imagines the Third World as “an analytical and political category [...] that links [...] the histories and struggles of the Third World people against racism, sexism, colonialism, imperialism, (ableism), and monopoly capital”.⁷³

Reading this configuration of the Third World with the radical reading of debility and not with the reductive meaning of disability presents enormous possibilities. Highlighting the limitation of liberal disability discourse by disrupting it with the narrations of debility and the expansion of the category of the Third World by taking the phenomenological experiences of disabled women into the fold can provide an insurgent and radical possibility of Crip reading within TWAIL feminisms, which can challenge the conservative method of ‘doing’ TWAIL.

These disruptions in the definition of the Third World present a truism that several narratives present enmeshed realities and histories that unsettle mainstream narratives. Placing the radical reading of the Third World and disability presents TWAIL feminisms with radical possibilities that are the following:

1. Placing the debility as a point of critique within TWAIL feminisms in its aim to achieve a democratised alternative episteme of international law.
2. Situating the disabled woman at the centre of Global South womanhood discourse to unmask the linkage between patriarchy and the mainstream discourse in international law.
3. Along with Eurocentrism and patriarchy, provincialising ablism in the mainstream discourse of international law to decentre the white male from its subject position in order to democratise the episteme of international law that remains accountable to multiple subjectivities.

III. INSURGENT JURISPRUDENCE OF TWAIL FEMINISMS AND THE MARGINALISED FIGURE: NECESSARY DISRUPTIONS IN INTERNATIONAL LAW

MILS does not address the question of capitalism, patriarchy, and colonialism. Similarly, the dominant liberal understanding of feminism works on the ontological configuration of the world by modernity in terms of atomic, homogenous, separable categories.⁷⁴ The question

⁷¹ Erevelles, *supra* note 58, 121.

⁷² *Id.*

⁷³ Erevelles, *supra* note 58.

⁷⁴ Maria Lugones, *Towards Decolonial Feminism*, Vol. 25(4), HYPATIA, 742–759 (2010).

of marginalised women defies these categories of modernity.⁷⁵ The failure of liberal feminism in critiquing the coloniality of power and modernity as two important ways in which racialisation and capitalism work is profound, as it does not address the question of gendered coloniality of being.⁷⁶ It also fails to acknowledge that non-normative womanhood exceeds the category of modernity. TWAIL Feminism’s caveat of “being defined against” comes with the acute awareness that “a process of defining a set of approaches, something typically a universal grand metanarrative, performs the task of reductive homogenization in a manner where the recovery of diversity becomes counterproductive”.⁷⁷

The promise of TWAIL feminisms being anti-definition and being defined against allows it to have enormous opportunities for discursive disruptions and possibilities.⁷⁸ One of the great epistemic possibilities can be to critique the dominant version of feminism and international law by placing those disabled, indigenous, trans women and their histories and subjugated knowledges at the heart of feminism and international law as the most profound probing tools to unmask the hegemonic narratives. TWAIL feminisms, by privileging these extremely marginalised figures of womanhood, unsettles the terrain of the essentialised category of womanhood. Centring these marginalised figures as legal subjects in international law will unmask the imperialist, patriarchal, and ableist nature of international law in order to achieve epistemic disruption to challenge the hegemonic narrative of MILS and produce and sustain a new oeuvre of international law that is accommodative of subaltern and silenced voices.

Centring the marginalised subjectivities in international law discourse will allow us to reimagine the discipline and expose the partiality and provinciality of supposed universal Eurocentric rules. The dominant reading of international law privileges a Westphalian nation-state’s sovereignty and territorial integrity. The limited reading of self-determination and the truncated provisional measures route as a new mantra of protecting the debilitated population shows that the coloniality of international law is still a dominant force.

The fulcrum of international law remains colonial, masculine, and ableist. Continuation of the *uti possidetis* doctrine, a brutal understanding of development, and zeal to become a “normal Westphalian state” did not allow the postcolonial nation-states to challenge the masculine and Eurocentric reading beyond a point. This homogenised nation-state building in these postcolonial nations was extremely coercive and augmented the ethnic tensions. Mohammad Shahabuddin traces the precarious condition of minorities in *uti possidetis*, i.e., continuation of colonial boundaries, international law’s ambivalence towards minority rights, and the ideology of developmentalism.⁷⁹ Similarly, Anghie argued that the demand to become a ‘sovereign state’ was the “adoption and embrace of the Western concept of nation-state”. This demand led to a transformation in indigenous perceptions of sovereignty.⁸⁰ Shahabuddin argues that for national

⁷⁵ *Id.*, 742.

⁷⁶ *Id.*, 745.

⁷⁷ Rohini Sen, *The TWAIL Feminism Project: Indeterminate Praxis, Incomplete Subjects* (December 17, 2025) (unpublished paper) (on file with author).

⁷⁸ *Id.*

⁷⁹ Mohammad Shahabuddin, *MINORITIES AND THE MAKING OF POSTCOLONIAL STATES IN INTERNATIONAL LAW*, 2 (Cambridge University Press, 2021).

⁸⁰ Antony Anghie, *Bandung and the Origins of Third World Sovereignty* in *BANDUNG, GLOBAL HISTORY, AND INTERNATIONAL LAW: CRITICAL PASTS AND PENDING FUTURES*, 544 (Luis Eslava et al. eds., Cambridge University Press, 2017); *See also* Shahabuddin, *supra* note 79.

ruling elites, the postcolonial states were an “ideology” in which they perceived that a unified national-state, its liberal constitutional structure, and developmental agenda would solve the problem of ethnic parochialism.⁸¹ This project was valorised by international law. This ideology of postcolonial states made them sites of hegemonic masculinities in which minorities and their ethnic aspirations are seen as “problems” that remain as borderland identities.⁸²

There are attempts to appropriate the TWAIL readings of international law in the service of muscular nationalism and nationalist discourse at the cost of precarious minority rights. Such reading of international law does not decentre the “European, bourgeois, colonial, modern man... (as a) subject agent, fit for rule, for public life and ruling”.⁸³ Rather, it internalised this subject position and its logic, *albeit* in the service of native elites and ethnic nationalism. Some parallels can be drawn between the dominant reading of international law and liberal disability discourse. Just as the dominant reading of international law is deeply suspicious of alternative epistemologies of the discipline and promotes a linear reading of the discipline, the liberal disability discourse also does not challenge “compulsory abled-bodiedness”, or “the assumption that able-bodied identities, able-body perspectives, are preferable and what we all, collectively, are aiming for”.⁸⁴

Much like the normal Westphalian construct of the nation-state that is the primary subject of international law, the normal able-bodiedness remains the primary concern of liberal disability discourse and its “inclusionism”.⁸⁵ Its refusal to imagine an alternative body subjectivity for peripheral embodiments excludes the marginal voices, such as disabled women, within disability discourse. A disabled woman remains an excluded figure in the masculine imagination of international law and disability discourses. She remains excluded from the feminist agendas, too. Thus, she faces extreme epistemic injustice and epistemic oppression. Kristi Dotson defines epistemic oppression as “persistent epistemic exclusion that hinders one’s contribution to knowledge production”,⁸⁶ by subjugating one’s agency as a knowledge producer. This grand erasure of disabled women in knowledge production obviates the “lived body [...] a body that simultaneously experiences and creates the world”.⁸⁷ The modern separation of mind and body cancels the phenomenological understanding of the epistemic value of pain and suffering.

IV. EMBODIED ‘MISREADING’ OF THE DISCIPLINE: A RADICAL POSSIBILITY

Terry Threadgold highlights an insurgent possibility of radical ‘misreading’ of black letter law and judgments by the feminist and critical legal scholars as they read the legal texts or judgments “in ways that such texts were generically and institutionally never meant to be

⁸¹ Shahabuddin, *supra* note 79, 7.

⁸² See Rohini Sen, *Kashmir and the Battle for The Borders of International Law*, Vol. 15, NALSAR STUDENT LAW REVIEW, 92–126 (2021); See also Kalpana Kannabiran, *The Shifting Sands of Citizenship: Dispossession, Constitutional Ruptures and Borderlands*, Vol. 69(3), SOCIOLOGICAL BULLETIN, 331–350 (2020).

⁸³ Lugones, *supra* note 74, 743.

⁸⁴ Robert McRuer, CRIP THEORY: CULTURAL SIGNS OF QUEERNESS AND DISABILITY, 9 (NYU Press, 2006).

⁸⁵ Mitchell & Snyder, *supra* note 3, 4.

⁸⁶ Kristi Dotson, *Conceptualizing Epistemic Oppression*, Vol. 28(2), SOCIAL EPISTEMOLOGY, 115–138 (2014).

⁸⁷ K. Paterson & B. Hughes, *Disability studies and Phenomenology: The Carnal Politics of Everyday Life*, Vol. 14 (5), DISABIL. SOC., 597–610 (1999).

read” in order to “tell a different story”.⁸⁸ However, such radical misreading is not only a textual intervention but also an embodied one. Critical and feminist jurisprudence demonstrates that alternative interpretive possibilities arise from the positionality and lived experience of the reader, whose social and embodied location shapes what can be perceived within a legal text. For disabled women, misreading becomes radical precisely because their bodies, histories, and sensory orientations stand outside the normative subject that the law presumes. Thus, the capacity to “tell a different story” depends on recognising impairment and womanhood not as incidental traits but as constitutive ontological conditions that render visible what able-bodied, masculinist epistemologies systematically obscure. Building on this, embodied misreading requires assuming the ontological significance of impairment and womanhood for disabled women.

Embodied misreading of the discipline requires the assumption of the ontological significance of impairment and womanhood for disabled women. On embodied knowledge, Maurice Merleau-Ponty makes a powerful assertion: “All my knowledge of the world, even my scientific knowledge, is gained from my particular point of view, or from some experience of the world without which the symbols of science”.⁸⁹ Embodied misreading and knowledge are important from a crip vantage, both in the discursive practices of international law and feminist studies. Her voice would not be subjugated through the hegemonic gaze, and her embodied knowledge would not be tabooed as naïve or disqualified knowledges “located low down on the hierarchy, beneath the required level of cognition and scientificity”.⁹⁰ Disability discourse, too, asserts against the dominant episteme,⁹¹ as it simply does not account for their lived experiences. Disability studies attempt to represent a reality that is “erased and destroyed”.⁹² Ghai points out that such a dominant episteme in positivist law brings forth testimonial injustice against disabled women.⁹³ However, the disabled women of the Global South are also erased figures in the disability studies and feminist discourse of the Global North. Helen Meekosha argues that totalising tendencies of writing about disability in the Global North marginalise the experiences in the Global South. This epistemic crisis in disability studies results in “grand erasures” that do not account for mass debilitations in the Global South.⁹⁴ It also fails to arrest the profound impact of colonialism in sustaining this mass debilitation. Thus, a significant task is to expose the universalising tendency of disability studies in the Global North through embodied positionality, highlighting that every knowledge is partial and subjective and that knowledges must remain plural.⁹⁵ To disrupt these tendencies of totalisation, one may use the Black feminist argument that takes on the question of colonialism and neo-colonialism in disability studies, incorporating every

⁸⁸ Terry Threadgold, *Book Review: Law and Literature: Revised and Enlarged Edition by Richard Posner*, Vol. 23(3), MELB. UNIV. LAW REV., 23 (1999).

⁸⁹ Maurice Merleau-Ponty, *Phenomenology of Perception* 9 (Donald A. Landes trans., Routledge 2012) (1945).

⁹⁰ Michel Foucault, *Truth and Power* in POWER/KNOWLEDGES: SELECTED INTERVIEWS AND OTHER WRITINGS, 1972-1977, 109–133 (Evening Star Books, 1984).

⁹¹ Ghai, *supra* note 46, 82.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Helen Meekosha, DECOLONISING DISABILITY: THINKING AND ACTING GLOBALLY, DISABILITY AND SOCIETY, Vol. 26(6), DISABIL. SOC., 667–682 (2011) available at https://www.academia.edu/1079778/Decolonising_disability_thinking_and_acting_globally (Last visited on November 14, 2025).

⁹⁵ Donna Haraway, *Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective*, Vol. 14(3), FEMINIST STUDIES, 575–599 (1988).

political embodiment, “whether female, disabled, racialized, queer and/or postcolonial”,⁹⁶ within its fold.

TWAIL feminisms presents a possibility of taking disabled Global South women in its fold to ‘misread’ the texts of international law radically and converse with disability studies scholars of the Global South in order to decentre the epistemologies of the Global North. Moreover, international law treats the Third World and disability as abject categories. An abject category presents a radical exclusion where all meanings collapse,⁹⁷ and disability “upsets the modern cravings for ontological security”.⁹⁸ The abject “disturbs identity, system, and order”.⁹⁹ Both the Third World and disability have been used as “abject categories” in order to justify civilising missions and biopolitical control. The disabled bodies are consistently produced as “docile bodies” to be subject, used, and transformed through categorisation, classification, and distribution. Similarly, the Third World has been used as a site for international law’s civilising missions.

Placing the embodied experiences of disabled women of the Global South at the core of TWAIL feminisms can present a radical possibility of unmasking the patriarchal ableism of the international law episteme and its methodological whiteness. Privileging the enmeshed account of the disenfranchised brings their epistemic empowerment.¹⁰⁰ As bodies remain contested sites of suppressed citizenship, critical scrutiny must ensure that peripheral embodiments are not denied or subdued citizenship.¹⁰¹ Categories of human rights and the Third World share an uneasy relationship, and the Third World has been treated as a “docile site” for the universal imperative of human rights.¹⁰²

The good governance proposed by the World Bank for the ‘wretched of the world’ in the godforsaken Third World and its proposal for the disabled share chilling similarities. The rule of law and good governance, according to the World Bank, has to be necessarily linked with a “sufficient stable setting for economic actors — entrepreneurs, farmers, and workers — to access economic opportunities and risks, to make investments of capital and labour, to transact business with each other, and to have reasonable assurance and recourse against arbitrary interference and expropriation”.¹⁰³ The World Bank’s agenda for disabled people situates them as “clients of development and objects of expert administration”.¹⁰⁴ A poststructuralist deconstruction of the World Bank’s reading of good governance and its gaze at disabled people, to ‘misread’ their text in the poststructuralist spirit in which that language does not have a static meaning, then it may be found that for Third World, ‘capitalist societies’ are presented as the ‘normalised’ version of the

⁹⁶ Cutajar & Adjoe, *supra* note 50, 53.

⁹⁷ Julia Kristeva, *POWERS OF HORROR: AN ESSAY ON ABJECTION* (Columbia University Press, 1982).

⁹⁸ Erevelles, *supra* note, 58.

⁹⁹ Kristeva, *supra* note, 96.

¹⁰⁰ P.M. Lengermann & G. Niebrugge, *Contemporary Feminist Theory* in *SOCIOLOGICAL THEORY*, 487 (George Ritzer ed., McGraw-Hill, 2008).

¹⁰¹ P.N. Parekh, *Gender, Disability and the Postcolonial Nexus*, Vol. 4, WAGADU, 142–161 (2007).

¹⁰² Balakrishnan Rajagopal, *INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE*, 171 (Cambridge University Press, 2003).

¹⁰³ WORLD BANK, *Governance and Development*, 1992, Report No. 10650, 28, available at <https://documents1.worldbank.org/curated/en/604951468739447676/pdf/multi-page.pdf> (Last visited on April 17, 2024).

¹⁰⁴ R. McRuer, *Taking it to the Bank: Independence and Inclusion on the World Market, Special Issue on Disability and the Dialectic of Dependency*, Vol. 1(2), *J. LIT. CULT. DISABIL. STUD.*, 5–14 (2007).

state that Global South must aspire for and similarly, that the disabled must aspire for abled-bodied normativity that may mimic their ‘normalcy’ and become a useful resource and consumer. International law instruments often offer these ‘normalcies’ by privileging the figure of “*homo oeconomicus* at the service of neo-liberalism”.¹⁰⁵ In all possible readings, the figure of *homo oeconomicus* remains “the European, bourgeois, colonial, modern man [...] The FULLY HUMAN”.¹⁰⁶

In its zeal to make the world liberal at gunpoint,¹⁰⁷ international law became the principal tool for producing mass debilitation while simultaneously producing liberal discourse on disability welfare.¹⁰⁸ Narratives of international law on humanitarian interventions and economic restructuring are the narratives of modern civilising missions in which certain territories and people and their bodies “beseech domination”.¹⁰⁹ Such narratives produce an amnesia towards international law’s role in promoting ethnic tensions, security crises and conditions for mass debilitation in sites of interventions. Anne Orford succinctly highlighted the role of international law and international institutions in creating societal disruptions through the activities of economic restrictions via international economic institutions.¹¹⁰ Orford points out that myopic international lawyering fails to engage with the question of destructive economic restructuring through international law. Then, it engages in the muscular language of intervention against the “failed states” in the language of Northern international lawyers.¹¹¹

In this aggressive vision of international law, the alternative epistemes and their methodological prescriptions are subdued despite their pushback.¹¹² The marginal subjectivity of the disabled woman can challenge this masculine and imperial feminist project of international law, as the non-normative embodiment of the disabled woman unsettles the ‘imperial feminist’ readings.¹¹³ The threat of a dominant feminist reading of international law may put disabled, queer,

¹⁰⁵ Giorgio Shani, RELIGION, IDENTITY AND HUMAN SECURITY, 78 (Routledge, 1st edn., 2014).

¹⁰⁶ Lugones, *supra* note 74, 743.

¹⁰⁷ Giorgio Shani, PROTECTING HUMAN SECURITY IN A POST 9/11 WORLD: CRITICAL AND GLOBAL INSIGHTS, 17 (Shani et al. eds., SpringerLink, 2007).

¹⁰⁸ Puar critiqued ADA (which is also being presented as the model law on disability for the rest of the world) by suggesting that ADA promotes a “responsibilization narrative of disability” in which the state gets the primary position of arbiter of the productivity and value of the disabled citizen. Further, it does not provide an operational definition of reasonable accommodation. These problems lead to the privatisation of resources for disabled people, which results in class stratification among disabled citizens. *See* Puar, *supra* note 43.

¹⁰⁹ Edward W. Said, CULTURE AND IMPERIALISM, 9 (Vintage Books, 1993).

¹¹⁰ *See* Anne Orford, READING HUMANITARIAN INTERVENTION: HUMAN RIGHTS AND THE USE OF FORCE IN INTERNATIONAL LAW (Cambridge University Press, 2003) (‘Humanitarian’).

¹¹¹ For example, Geoffrey Robertson’s assertion of human rights’ intervention is quite telling. He asserted: “Human rights discourse will in the future be less pious and less ‘politically correct’. We will call a savage a savage, whether or not he or she is black”. *See* Geoffrey Robertson, CRIMES AGAINST HUMANITY: THE STRUGGLE FOR GLOBAL JUSTICE, 801 (The New Press, 2013).

¹¹² However, alternative epistemes and methodological approaches have encountered massive pushback from mainstream scholarship in the language of scientific imperialism. Anne Orford has mapped these challenges against TWAIL as an alternative methodological approach. TWAIL scholars have been accused of abandoning the standard of historical analysis, engaging in historical revisionism, adding fanciful connections, producing simple but rather stunning interpretations, and taking daring jumps that destroy the complexity of discourses of various centuries. *See* Anne Orford, INTERNATIONAL LAW AND POLITICS OF HISTORY (Cambridge University Press, 2021).

¹¹³ The threat of the dominant feminist reading of international law may put disabled, queer, and other embodied women of the Global South in a precarious situation. Moreover, the attempt to discipline feminism also needs to be problematised. D’ Amato’s “admonishment” against Hillary Charlesworth suggests that “feminists should line up behind the project of saving the vulnerable women of the Third World”. In his attempt to discipline feminism,

and other embodied women of the Global South in a precarious situation. Moreover, the attempt to discipline feminism also needs to be problematised. Antony D’Amato’s admonishment against Hillary Charlesworth suggests that “feminists should line up behind the project of saving the vulnerable women of the Third World”. In his attempt to discipline feminism, D’Amato presents his vision of a ‘real’ world in which the world is racialised and gendered, and we behave like animals. As bullying is the norm in this world, the ‘weaker’ women segment can be protected only by the international legal system. Such attempts to discipline feminism must be challenged, and TWAIL feminisms, pivoted around marginal subjectivities of womanhood, are uniquely placed to do so.

In this discursive positionality, a disabled woman of the Global South assumes the position of the principal author from whose vantage point international law and feminism can be reimagined and renegotiated as she refuses to become a figure of alterity and merely as a mark of plurality as a “muddled, confused and nameless collectivity” having no agency of her own.¹¹⁴ Decolonial disability reading from the vantage point of a disabled woman and epistemic possibilities of TWAIL feminisms can chart a new discursive hope that is not based on the epistemic privileges of a few.

V. CONCLUSION

In an epistemic democratisation, several disciplines engage in dialogic praxis to deconstruct several intersectional nodules. In this attempt, new meanings emerge through enmeshed realities, old categories collapse as hitherto subdued identities exceed the hegemonic categorisation. In this interdisciplinary engagement, one discipline’s trivia often becomes another’s lifeblood.¹¹⁵ The disabled woman’s subjectivity presents a unique opportunity for critical disability studies, critical approaches to international law, and decolonial feminism to engage with one another and expose the hegemonic discursive practices. TWAIL feminisms, in its promise to provide an alternative epistemology, creates space and valorises the subdued subjectivities of women in the Global South. Testimonial injustices against the Third World, women, and the disabled are common, and their vantage points can be used to interrogate hegemonic narratives, logic, and methodological conservatism.

D’Amato presents his vision of a ‘real’ world in which the world is racialised and gendered and we behave like animals. As bullying is the norm of this world, the ‘weaker’ women segment can be protected only by the international and international legal systems. See Antony D’ Amato, *Book Review: Human Rights of Women: National and International Perspective*, Vol. 89, AM. J. INT’L. L., 840 (2017); See also Humanitarian, *supra* note 109.

¹¹⁴ Farmer et al., *supra* note 29, 78.

¹¹⁵ Nandy, *supra* note 28.