

# Traversing THE Divide

Honouring Deborah Cass's  
Contributions to Public and  
International Law



# Traversing THE Divide

Honouring Deborah Cass's  
Contributions to Public and  
International Law

**Edited by  
Kim Rubenstein**



Australian  
National  
University

---

P R E S S



Published by ANU Press  
The Australian National University  
Acton ACT 2601, Australia  
Email: [anupress@anu.edu.au](mailto:anupress@anu.edu.au)

Available to download for free at [press.anu.edu.au](http://press.anu.edu.au)

ISBN (print): 9781760464226  
ISBN (online): 9781760464233

WorldCat (print): 1240187379  
WorldCat (online): 1240188659

DOI: 10.22459/TD.2021

This title is published under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International (CC BY-NC-ND 4.0).



The full licence terms are available at  
[creativecommons.org/licenses/by-nc-nd/4.0/legalcode](http://creativecommons.org/licenses/by-nc-nd/4.0/legalcode)



Cover design and layout by ANU Press. Cover photograph: Deborah Cass, estimated date of the photo is 1993, Deborah's first year at ANU.

This edition © 2021 ANU Press

# Contents

Preface . . . . .	vii
Traversing the Divides: Remembering Deborah Cass . . . . .	1
Hilary Charlesworth	
<b>Part 1: Constitutional Work</b>	
Introduction to 'Constitutional Work' . . . . .	11
Jenny Morgan	
Returning to 'Representation/s of Women': Feminist analysis and job-sharing as core constitutional concerns . . . . .	13
Kim Rubenstein	
<b>Part 2: Natural Resources and Self-Determination</b>	
Introduction to Professor Anghie . . . . .	35
Catherine Hawkins	
Self-Determination and Beyond: Reflections on the Aftermath of the Nauru Case . . . . .	39
Antony Anghie	
A Quiet Revolution: The Exclusivity of Exclusive Economic Zones . . . . .	59
Margaret A Young	
<b>Part 3: International Law and the World Trade Organization</b>	
Introduction to International Law and the World Trade Organization . . . . .	89
Rosanne Kennedy	
Deborah Cass, <i>The Constitutionalization of the World Trade Organization: A Reading in Time</i> . . . . .	91
Kerry Rittich	
<b>Part 4: Personal Reflection and Conclusions</b>	
Traversing Divides: My 'Integrated' Sister . . . . .	115
Dan Cass	
Concluding Remarks . . . . .	129
Gerry Simpson	

## **Part 5: Reproductions of Articles Discussed**

The Quiet Revolution: The Development of the Exclusive Economic Zone and Implications for Foreign Fishing Access in the Pacific . . . .	135
Deborah Cass	
Rethinking Self-Determination: A Critical Analysis of Current International Law Theories . . . . .	157
Deborah Z Cass	
Representation/s of Women in the Australian Constitutional System . . . . .	179
Deborah Cass and Kim Rubenstein	
Navigating the Newstream: Recent Critical Scholarship in International Law. . . . .	227
Deborah Z Cass	
Commonwealth Regulation of Campaign Finance – Public Funding, Disclosure and Expenditure Limits . . . . .	273
Deborah Z Cass and Sonia Burrows	
Contributors . . . . .	325