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Transformative gender justice: Setting an agenda

This Special Issue of *Women's Studies International Journal* explores the potential for justice mechanisms, in the broadest sense, to have transformative outcomes upon gender relations and the position of women in countries with histories of violence, whether that be political, post-conflict, chronic criminal and/or social violence. Much of women's experiences during and following periods of extensive violence are informed by pre-existing, peacetime, inequalities. The specific gendered harms suffered by women, such as sexual violence and exploitation, are grounded in understandings of gendered roles in society and the perceived links between reproduction and community. Thus, as the growing body of feminist research into processes of transitional justice shows, women have vital stakes in post-conflict transformation, rather than reconstruction (Chinking and Charlesworth, 2006 cited in [Ní Aoláin, 2012](#); [Reilly, 2007](#)). Likewise, the (often far less visible) expectation that women sustain their caring roles in the everyday of war – providing food, shelter, and care for dependents, or soldiers, in often desperate contexts – constitutes specifically gendered experiences associated with existing inequalities and expectations ([Reilly, 2007](#)). With this knowledge in mind it is increasingly obvious that, for women, periods of societal transition have to aim for the transformation of the underlying inequalities that provided the conditions in which these specifically gendered harms were possible. Consequently, it is inadequate to talk of 'transition' – moving from a context of chronic violence to a more 'peaceful' society – if this results in more of the same just under different circumstances.

The essays in this Special Issue on Transformative Gender Justice¹ build on this emerging body of work that emphasises the need for a transformative approach to the opportunity that transitions can pose in the aftermath of mass violence. This means that we are not only interested in the structures of inequality and injustice, and how these relate to violence, but in the institutional processes that silently and, often contrary to intentions, reproduce those same inequalities. Ultimately, we are interested in investigating strategies rooted in different disciplinary traditions that challenge such structures. In other words, we are interested in how different justice strategies and mechanisms can contribute to the reconfiguration of power beyond individual experiences of violence and injustice, but rather, at societal level. This Special Issue, therefore, is a contribution to this emerging debate, which explicitly aims to

bring together a range of disciplinary perspectives with gender analysis at the heart.

Gender, 'peace' and transformation

In recent years there has been global momentum in thinking about and responding to violence against women (VAW); originating with the early research into domestic violence in the 1970s and 1980s (e.g. [Brownmiller, 1975](#); [Kelly, 1988](#)), and more recently focusing on the issue of sexual violence in war. Increasing attention is also being paid to high levels of violence against women, especially intimate partner violence (IPV), in developing countries. The latest WHO ([Garcia-Moreno, Henrica, Jansen, Heise, & Watts, 2005](#)) report concludes that 35% of women worldwide experience physical and/or sexual violence in their lifetime, of which the majority (30%) constitutes intimate partner violence. Nationally, levels of IPV range from 17% in Japan to 71% of women experiencing such violence in Ethiopia. The report also indicates that the differences in prevalence are related to gender ideology and to institutionalised gender inequality. Despite the inherent difficulties of producing comparable statistics on violence against women, which are compounded by high levels of underreporting and stigma, the findings of this report nevertheless make it clear once more that gender inequality matters.

There is a certain consensus in feminist literature about the continuum of gender-based violence: the idea that violence against women may take different forms and be of a different scale during periods of conflicts, but that ultimately, such violence is rooted in existing and surviving gender ideologies and inequalities. However, the term as it was first conceptualised by [Liz Kelly \(1988\)](#) did not only incorporate behaviour that we would readily recognise as 'violence', but rather identified a range of interactions and abusive behaviour as being part of the same continuum of behaviour that reinforced the normalisation of women as sexualised objects. Thus the term's usefulness goes beyond its ability to highlight the false separation between different forms of violence, by also unpacking underlying and persistent practices that normalise women's subordinate position in society. The term, therefore, can describe the normative structures that make women 'rapable' and vulnerable to abuse. The continuum of violence, therefore, is expressed in the everyday violence that women experience in their homes, on

the streets, and in the public sphere. While recognising the existence of a continuum of violence may not lead to useful immediate interventions with regard to the gross violations of human rights that women may experience in any given conflict, as O'Rourke argues in this issue, it does force us to look at the structures of inequality that are at the basis of such violations. Recognising that women do not only face male violence, sexual or otherwise, during conflict, but before and after conflict on a massive scale means that transitional justice has an obligation to look at ameliorating the structures underlying this violence, whether they be the institutions, norms and values, economic relations or family structures that shape people's experiences, choices and opportunities.

As feminist scholars have pointed out time and again, it might not really be apt to speak of 'peace' in reference to societies where violence against women is chronic and persistent (Jacobs, Jacobson, & Marchbank, 2000; Meintjes, Pillay, & Turshen, 2001; Pankhurst, 2003). When everyday violence is ongoing and pervasive, formal 'peace' may provide no more security for women than societies experiencing political conflict. Many 'peaceful' societies fail to provide physical security, especially for particularly marginalised or subordinated groups. As scholars of Guatemala, El Salvador, Peru, Sierra Leone, and South Africa have shown (Boesten, 2014; Coulter, 2009; Hume, 2009; Jewkes et al., 2009; Menjivar, 2011; Sanford, 2008), violence against women can be widespread and normalised in post-conflict societies, indicating an uncomfortable peace at best, or the continuation of war at home at worst. This not only corresponds to feminist concerns about 'low-intensity' violence that many women face in non-conflict zones (Wilding, 2012), but also links to a growing preoccupation with 'post-war' crime and violence (Bourgois, 2001; Kelly, 2000; LAP Special Issue, 2008).

We argue, therefore, that the macro and formal processes that constitute existing elite-driven, formal transitional justice mechanisms exclude, by design, the complexity of gendered experiences. Even when women's voices are included, as is increasingly the case, the fact that they speak to a different – messier – agenda, means that they are often not heard. As Gready and Robins (2014) point out, the notion of transformative justice proposes the inclusion of more grassroots groups, victims groups and activists, in order to move away from the liberal peace agenda and its top-down ways of working. But this has to be done in a way that is sensitive to women's needs. As Monica McWilliams points out in this issue, if you actually ask what peace looks like to women, it becomes clear that women's priorities are just as political as men's, but that limited understandings of what is 'political' – or what is important in politics – obscures women's claims. Seeing women's voices – and the voices of otherwise marginalised groups – as an enrichment of post-conflict political change that has to be taken seriously is then essential in order to build a more peaceful and just society.

Highlighting the socio-political nature of structural violence enables us to question the role of the state in the reproduction and escalation of such violences. What role does the state play in ameliorating or challenging gendered violence (Jacobs et al., 2000)? Or in perpetuating and creating violence (Pearce, 2010)? The high incidence of violence against women in many societies is one example to draw on. High levels of violence against and among young men is another

phenomenon that would benefit from an analysis that includes a socio-political framework and a gendered lens (such as urban and gang violence, Hume & Wilding, 2015; Wilding, 2010). But not only gender matters; the structural violence presented by poverty, marginalisation, and exclusion shape these forms of physical violence.

Paul Gready and Simon Robins (2014, p8) explicitly refer to the importance of addressing socio-economic structures in transitional societies. The authors see three main reasons why this is essential: first, local populations and victim-survivors tend to prioritise economic and social rights; second, socioeconomic injustices are often at the root of conflict, so addressing this would help prevent future conflict; and third, as Gready and Robins assert, the human rights field has moved to include social and economic rights alongside civil and political rights, echoing a call made by feminists for many years (e.g. Meintjes & Goldblatt, 1996). This recent interest can be seen as moving a step closer towards realising a 'positive peace', as envisaged by Galtung (1969), through the challenge it poses to inequality and poverty, which might otherwise produce fertile terrain for conflict and violence. The need to focus on broader structures facilitating violence is echoed by Matthew Evans (2013, p1), who refers to the need to address structural violations of human rights versus 'individual violations of a narrow set of civil and political rights'. Such structural violences of a social and economic nature directly intersect with the 'individual violations' of human rights and mass violence, abuses which overlap and reinforce one another. Social and economic rights are often distributed along lines of differentiation, be these of a gendered, racial, ethnic, religious, or class nature, and are thus tightly linked to civil and political rights and manifestations of violence. Therefore, a key underlying question that remains unaddressed in the existing literature is how we can include an analysis of unequal power relations at a societal level that includes the intersecting domination of gender, race, and class as determining vectors of inequality and vulnerability to violence in our conceptualisation of justice. The idea of a transformative approach to justice intends to contribute to that analysis.

Transformative justice

The lack of peace for large parts of the population in societies with histories of violence raises significant questions regarding how we understand and attempt to implement 'justice'. Assuming that the notion of justice is based on a distinction between right and wrong, thus setting the boundaries of acceptable behaviour and, ultimately, how we live together, then the neglect or even denial of high-levels of violence that permeates households, streets, and communities sends a clear message of tolerance to those who experience this violence on a daily basis. Violence is an effective tool of maintaining and enforcing certain power relations, which is experienced through the presence of threat and fear. By allowing everyday forms of violence to continue, it legitimises this violence, isolates those who experience violence and, in doing so, reinforces and reproduces the structures in which such violences are embedded. By recognising gender-based violence as structural, in other words, as something that is formative of social relations, and hence, of social, economic and political configurations of power in any given society, this highlights the fact that it should not be considered as an

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