

## Towards Transformative Gender Justice in Post-Conflict Situations

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Shackel, R., Fiske, L. (eds.). 2019. *Rethinking Transitional Gender Justice. Transformative Approaches in Post-Conflict Settings*. Palgrave Macmillan.

The contents and objectives of this book, edited by the Australian scholars Rita Shackel, Associate Professor of Law at the University of Sydney Law School, and Lucy Fiske, currently Senior Lecturer in Social and Political Sciences at the University of Technology Sydney, were developed during an international symposium on gender perspectives in transitional justice in Sydney in 2015. Compared to the first years of transitional justice as a global concept and practice after the end of the Cold War, gender perspectives have become an integral issue in transitional justice policies, programmes, and theoretical and empirical studies. As the book's title indicates, the contributions to *Rethinking Transitional Gender Justice: Transformative Approaches in Post-Conflict Settings* are in line with the critics of mainstream approaches, who point out the simplistic and inadequate concepts of gender in these approaches and their neglect of the polysemy of gender, justice, and power relations. Gender perspectives in dominant transitional justice programmes, drafted as technocratic interventions, have left women's voices unheard 'as political subjects, as expert opinion on justice, politics or power relations' as the editors state in their introduction to the volume (p. 2).

Their edited volume is part of the publishers 'Gender, Development and Social Change' series. The editor of this series, Wendy Harcourt, Professor of Gender, Diversity and Sustainable Development at the International Institute of Social Studies of the Erasmus University in The Hague (The Netherlands), underlines that '[j]ustice cannot just be delivered from above, nor communities simply trained or given "capacity," as too many external interventions imagine' (p. vi). Looking from this perspective, she underscores that the volume 'highlights the conceptual challenges to understand gender justice'. (p. v) Instead of thinking from above, the case studies of the volume underline the need for an understanding of 'justice as a shared project' (ibid.). Thus, analysing the limitations of current dominant gender perspectives in transitional justice, pointing out different ideas and practices on grassroots levels and consequently developing new concepts can be grasped as the mission of the book reviewed here. Its objectives are in line with the critical scholarship of transitional justice, which seeks to find alternative approaches to sustainable justice beyond neo-liberal concepts of economy and politics on a global scale.

Transitional justice policies, practice, and research have been accompanied by radical critiques since the dissemination of core elements of transitional justice on a global scale. The demands to think and develop programmes of transitional justice as transformative justice, including questions of gender and political, social, and economic justice in particular, have been discussed in manifold ways. Just recently, Paul Gready (2019: 1) argued that '[t]ransitional justice is in crisis'. He considers his book, edited in cooperation with Simon Robins, an example for discussing alternative approaches, including especially one chapter on questions of transformative gender justice.

The book *Rethinking Transitional Gender Justice* thus has much in common with widespread critiques but delivers, with its profound gender analyses, more insights concerning gender justice and how it is intertwined with other aspects of justice when the transformations of the political, social, and economic orders in particular situations are being addressed.

At the beginning of the book editors Shackel and Fiske provide an overview of the development and state of the art of the gender perspective in transitional justice and point out the problems and dilemmas connected with it. They then outline the book's structure and summarise the main arguments and findings of the chapters in the three sections: Rethinking Institutions, Rethinking Interventions, and Learning from the Field. The editors are to be commended for writing a conclusion that is very helpful for further discussions of gender in transitional justice, which is conceptualised as transformative justice in dialogue with grassroots activists and aimed at implementation on the grassroots level. The overwhelming majority of the 19 scholars who contributed to the volume are located in the Global North, a few are working in Sri Lanka, United Arab Emirates, Peru, and Afghanistan. The case studies cover different world regions and address post-conflict settings in Liberia, Kenya, Somalia, and Sierra Leone as well as further post-conflict scenarios in Afghanistan, Iraq, Nepal, Peru, and Sri Lanka.

The findings concern a wide range of post-conflict experiences, which are strongly influenced by the global dissemination of the dominant gendered perspectives in transitional justice. Nevertheless, the presented case studies also offer examples for developing alternative approaches. Two contributions focus on the East African countries of Somalia and Kenya. Fowsia Abdulkadir, a Research Analyst at the Public Health Agency of Canada and a doctoral student at the School of Indigenous and Canadian Studies, Carleton University (Canada), and Rahma Abdulkadir, an Assistant Professor of Political Science at New York University Abu Dhabi, look at the potential of 'xeer', a customary law used on the local level in the war-torn patriarchal society of Somalia. They ask if the current practices of xeer 'improve or thwart Somali women's participation in public decision-making regarding peace-building' (p. 258)



and conclude 'that there would be significant limitations of women[s] rights if the xeer is employed as a key pillar of conflict resolution' (p. 270). Their assessment is not only based on a literature review but and also primarily on an empirical study. They interviewed 144 Somali women and men in Somalia and in the diaspora in the United States and the United Arab Emirates, as Somali emigrants have an impact on peace-building in their former home country. The results show the research participants' strong support for women's participation in public and peace-building as well as their scepticism about the acceptance of women's voices within the current use of customary law in Somalia.

Christina Kenny, currently a Lecturer in Sociology at the University of New England in Australia, analyses the effects of the altered Kenyan constitution with its emphasis on women's rights after the post-election violence in 2007 and 2008. She writes that the implementation of women's rights has not significantly changed women's lives at the grassroots level. 'Although this latest Constitution acknowledges the systemic marginalisation of women', Kenny concludes, 'the practice of promoting, and providing access to women's constitutional rights is a fraught, and complex endeavour. The lived experience of these new rights is mired in old politics—late colonial political alliances, gender discrimination and vested interests' (p. 290).

Not all chapters in the volume focus on a particular conflict region; instead, they cover topics that embrace the perspectives, objectives, and perceptions of powerful agencies, organisations, and actors working in international settings. Rita Shackel and Lucy Fiske discuss the negative effects of concepts of empowering women applied by international humanitarian organisations, which see women primarily 'as victims in need of rescue or as clients' (p. 69). They point out that '[s]ervices cannot "empower" disadvantaged and dispossessed people' (p. 70) and emphasise the limitations of a transformation that follows neoliberal agendas imposed by outside actors. Such programmes, they note, will not overcome structural inequalities and empower people to create 'a robust public sphere in which people enter and act on a basis of equality (ontologically if not materially)' (p. 71).

Chrisanthi Giotis, a journalist and academic at the University of Technology Sydney, examines the stereotypes that have been reproduced in the media particularly about women in sub-Saharan (post)conflict situations. In most cases, women have been depicted as helpless victims 'to be acted upon by western saviours' (p. 98), along with images about men, for example Congolese, represented as savages (p. 109). The reports, stories, and narratives, predominantly produced by foreign journalists and correspondents, have often been wrapped up in a kind of 'pornography of violence' (p. 109) and are reminiscent of the racialised patterns of perception and speech of the former colonisers. Chrisanthi Giotis calls attention to the responsibility of those who are reporting on (post)conflict zones in order to contribute to processes 'of ongoing

gender justice' by '[a]cknowledging and respecting women's complex identities, histories and knowledge' (p. 112).

Rita Shackel gives an overview of the international law and legal proceedings on sexual and gender-based violence, discussing international tribunals, the Rome Statute of the International Criminal Court, and the following trials of this court. She identifies successes 'particularly in streamlining court processes and providing support to victims at trial' (p. 207). However, according to her assessment more efforts need to be made to prosecute sexual and gender-based violence and recognise the gender dimensions of such crimes as well as the experiences of individuals and collectives. In her view, '[c]riminal justice responses are a potent source of influence in defining and constructing normative values and standards of conduct' (ibid.).

Although the editors highlight in their introduction the problems of equating gender with women in the dominant gender approaches in transitional justice (p. 8), the article by Philipp Kastner, an Assistant Professor at the Law School of the University of Western Australia, and Elisabeth Roy-Trudel, a PhD Candidate in Interdisciplinary Humanities Studies at Concordia University in Montréal (Canada) and an Honorary Fellow at the Law School of the University of Western Australia, is the only text in the volume that explicitly addresses gender dynamics, 'in particular the creation and performance of hegemonic and hypermasculinities' (p. 158) in (post)conflict situations as a crucial focus area of research.

The editors' conclusion helps readers and researchers evaluate the contributions of the case studies for future critical research agendas. These agendas will be searching for alternative approaches to rethink gender in transitional justice beyond the technocratic approaches that are in line with the ideas of liberal peace, which systematically ignore structural injustices, disrespect gendered local knowledge, and leave local actors voiceless. The publication avoids the widespread application of gender as coterminous with women, predominantly as (helpless) victims, and underlines 'the polysemy of both the notion of "gender" and of "justice"' (Buckley-Zistel, Zolkos 2012: 5). Respecting and listening to local voices in order to rethink gender in transitional justice and to develop local solutions for transformative gender justice requires continuous discussions about frames of knowledge-production that are based on gender orders, which are at play in multiple ways. However, more stress should also be put on gender relations and revised gendered orders that address male harm and identify toxic masculinities and non-aggressive local forms of masculinity, which have been marginalised in (post)conflict situations, and examine gendered ways of living outside the heteronormative binary. In other words, more empirical as well as theoretical studies are needed to fully address the scope of gender issues for developing ideas and implementing steps towards transformative gender justice that will include all genders in particular contexts. Therefore, it will also be crucial to



reflect more on the gendered (non)local positionality of all those who are involved in (gender) knowledge production: respondents, researchers, and research assistants. Moreover, it is crucial to reflect upon the impact of the embeddedness of all involved on the development of local approaches and put more effort into changing the power relations between researchers and research assistants from the Global South and Global North. This also means closely scrutinising the ways in which neo-colonial attitudes and ethnicised or racialised views can be avoided in research processes (see, e.g., Mwambari 2019). Finally, researchers of transitional justice from the Global North should discuss how they might challenge the current structural hierarchies between academia in the Global North and the Global South.

In short, the volume *Rethinking Transitional Gender Justice. Transformative Approaches in Post-Conflict Settings* offers significant inputs about the development and implementation of transformative gender justice, not just for critical researchers but also for practitioners. In doing so, the volume can inspire readers to reflect on new research agendas beyond the ones presented here.

### References

- Buckley-Zistel, S., Zolkos, M. 2012. 'Introduction: Gender in Transitional Justice.' Pp. 1–33 in Buckley-Zistel, S., Stanley, R. (eds.). *Gender in Transitional Justice*. Basingstoke: Palgrave Macmillan.
- Gready, P., Robins, S. (eds.). 2019. *From Transitional to Transformative Justice*. Cambridge: Cambridge University Press.
- Mwambari, D. 2019. 'Local Positionality in the Production of Knowledge in Northern Uganda.' *International Journal of Qualitative Methods*, first online August 1, 2019, <https://doi.org/10.1177/1609406919864845>.

## Critical Cultural Studies of Childhood

### Grace Maria Kentaro

Namuggala, V. F. 2018. *Childhood, Youth Identity, and Violence in Formerly Displaced Communities in Uganda*. London, UK: Palgrave Macmillan.

*Childhood, Youth Identity, and Violence in Formerly Displaced Communities in Uganda*, by Victoria Flavia Namuggala, presents the results of research on the impact that