OVERVIEW OF RESEARCH PROJECT

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Making Transition Transformational for Women:
An Analysis of Gender Violence Across Pre, During and Post-Conflict Contexts

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This document provides an overview of the scope, aims and objectives of the proposed above-titled research project for the purposes of the NYU Fall Global Fellows Forum.

Summary

By publishing new empirical policy-relevant research, this project will contribute to significantly re-conceptualizing the way that gender violence in armed conflict is currently understood and addressed. Based on a doctoral study completed in 2011, and through generating additional primary and secondary research, this project will present a re-assessment of conflict-related gender violence alternative to the the current predominant legal and policy discourse that focuses on narrow conceptualizations of sexualised combatant-perpetrated violence. The project will use empirical data to widen the typologies of violence that are currently considered to be ‘conflict-related’ and will draw broader theory on violence into feminist legal scholarship, which is currently absent. Most significantly, it will fill a gap and produce new knowledge on the connections between the peak in violence that women experience in conflict and the wider spectrum of violence that women experience before and after conflict, and illuminate the difficulties posed by law’s current response. The project will argue for holistic approaches by transitional justice to the expanded understanding of gender violence that the research reveals.
Background
From early accounts to more recent scholarship, multi-disciplinary feminist analysis has exposed and then defined and attributed meaning to the violence in women’s lives. Such analysis has assessed gender-based violence in relation to socio-cultural and socio-political systems in which “violence is understood as being concerned with power...[and] embodies the power imbalances inherent in patriarchal society”.¹ As such, feminist scholarship puts forward that “inequality is a spur to violence” and legitimates the use of violence against those with less power, which in patriarchal societies are women.² Leading scholars argue that violence is the “backdrop against which women’s lives are lived”³ and that women may experience a range of forms of violence which are not “mutually exclusive”, may be experienced in a range of locations, contexts and relationships and throughout different phases of their life-cycle.⁴ They propose that this violence is pervasive in all societies and cultures and is directly attributable to the underlying patriarchal norms and unequal relations between men and women.⁵

This kind of analysis has more recently been applied to the arena of armed conflict where the majority of literature on conflict-time violence against women examines the appearance of rape and sexual violence in war, in particular the phenomenon of rape as a weapon of war.⁶ Carolyn Nordstrom argues that the violations and abuse that occur in war cannot be seen as distinct from the pervasive gender violence that takes place in all cultures in the private spheres, and that this in fact informs what happens

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² Cockburn, C. Ibid. The Gendered Dynamics of Armed Conflict and Political Violence. pp. 29
during conflict. As such rape in war should not be considered as distant from the violence women experience in their homes and streets. As noted by Susan Harris Rimmer, “[p]art of the question is whether violence against women in armed conflict is ordinary violence writ large or ‘extraordinary’ violence”, constituting a specific and distinct entity in itself? In addition, multidisciplinary, and primarily feminist scholarship is exposing how violence against women does not simply ‘go away’ in the aftermath of conflict despite political transitions signified by events such as peace agreements or processes of democratisation, which officially deem conflict-related violence to have ended. Examples from South Africa and Northern Ireland have demonstrated that the creation of an ‘end’ to armed conflict is “only the first step in the process of social transformation” and an “end to armed conflict appears to highlight, rather than lessen, the continued prevalence of other forms of violence.” Anu Pillay has helpfully articulated that “[v]iolence against women happens in peacetime, is intensified during wartime and continues unabated in the aftermath”.

Feminist legal theory has attempted to grapple with how this myriad trajectory of violence is categorised in international law and the role that law plays in creating connections or distinctions between the gender-based violence women experience within and outside of armed conflict. Feminist legal scholars have documented how international law has contributed to the creation of a “hierarchy of violence” where systematic public rape is given more attention and credence than the violence that appears in women’s everyday lives. This is reflected in, and driven through, a discourse of international law in which violence becomes subject to a particular framing and categorisation, and defined within a

“narrow, individualistic, language of rights,”¹⁴ that might not represent the multifaceted complexity of this violence. The labelling of violence as a public, or what is deemed to be ‘political’ form of violence, reinforces a distinction between conflict-related and endemic forms of violence that women are subjected to on an on-going basis. The transitional justice terrain is a site of increasing attention by feminist legal scholars, particularly because it is in these sites that women’s experiences of conflict-related harms are increasingly being made visible, and becoming defined and categorised in law. Whether in relation to the application of international law norms through criminal trials or within processes such as truth commissions, transitional justice mechanisms have been critiqued by feminist scholars for failing to adequately capture the range of harms that women experience during conflict.¹⁵

**Research Scope and Focus**

This research project will attempt to address some of the gaps that may be identified in scholarly work to date that examines gender-violence in conflict, and international law’s engagement with the same. While there has been much feminist analysis of sexual violence in conflict, there has been less focus on the relevance of understanding ‘violence’ as a phenomenon in and of itself, divorced from as well as related to gender inequalities. Feminist scholarship has done little to draw on multidisciplinary work that explores the functionality of violence and its meaningful and creative effect relative to its social context.¹⁶ This project proposes that rather than disregarding the functional and mundane aspects of violence which feminist analysis and law has done, theorizing how the mundane of before conflict informs what happens during and after conflict, may be more appropriate to fully understanding the complexity of gender violence as a whole. In particular, the functionality and purpose of violence and the disaggregated ways it appears across different jurisdictions has not been broadly theorised, nor have the possible linkages between endemic and conflict related violence been fully interrogated, particularly from an empirical basis. Questions thereby remain as to what violence against women in conflict

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represents and how it may be contextualised relative to public and private domains and international law regulating the same, during peace-time and conflict.

Two theoretical frameworks will be used to explore these questions more fully through this project. The first is an emerging area of scholarly inquiry in the political science fields. Elizabeth Wood developed ‘variations theory’ as a means to explore why sexual violence in war time appears in different forms and prevalence in different conflicts around the world. Wood focuses on “sexual violence against civilians by combatants” and draws together a framework of four variables which she considers to be significant determinants of the prevalence and form of sexual violence against women during times of war. Dara Cohen has also examined variation in violence within and across civil wars that took place between 1980-2009, and finds that propensity for sexual violence by armed actors is contingent upon whether members are voluntarily or forcibly recruited to the armed group. This work also finds that gender inequality is irrelevant as a factor that informs the use of sexual violence, a finding which works against the feminist theory previously outlined. While useful for exploring the variant ways in which sexual violence may occur across diverse conflicts, there are limitations to variations theory which this project will explore. Namely, the focus by variations theory on armed combatant political violence does not move us forward on the need to make visible wider harms that women experience in conflict nor tackle the false dichotomy created by law in this respect. In addition, Cohen’s approach removes gender equality from an assessment of violence. Wider social science scholarship specifically names context and contextual factors as key determinants in how violence appears, which implies the relevance of gender dynamics to an assessment of the appearance of violence. This research project will use variations theory to more fully empirically explore the wider forms of violence (political or otherwise) that occur in conflict and explore the variables that inform a contextual variance in conflict-time violence.

The second theoretical framework is drawn from the work of feminist scholars that have actively explored the patterns and appearance of violence during and after conflict. ‘Continuums’ theory has

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17 These variables Wood identifies are: Opportunity, Incentive, Sexual Violence as Instrumental for the group and Sanctions against sexual violence


developed as a means to depict the consistency of violence in women’s lives, enabling an assessment of continuums between violence from public to private, and from conflict to peace.\(^\text{20}\) Theorists such as Cynthia Cockburn apply a gender analysis to violence in women’s lives, generally concluding that “the power imbalance of gender relations...are like a linking thread, a kind of fuse, along which violence runs.”\(^\text{21}\) She labels this a “gendered continuum of violence” along which forms of violence that manifest at the different phases of conflict are linked. While useful, the picture may be more complex, and as with variations theory, there are limitations to be acknowledged. Not only do the linkages between gender violence need further extrapolation and analysis, but the “discontinuity” of the egregious nature of conflict-related violence also requires examination.\(^\text{22}\) Again, broader theory on the characteristics and function of violence will be used to expand the concept of continuums so that both the connections as well as, the distinctions between violence, across pre, during and post-conflict contexts can be examined.

In addition, further inquiry will be made into the costs and benefits of what are considered to be attempts to squeeze women’s broad experiences of conflict-related violence into narrow definitions employed in transitional justice processes. The transitional justice field remains a site in which a legal discourse on women’s experiences of conflict is evolving and one in which there is ample opportunity for scholars to discuss, debate and attempt to influence the evolving norms. While feminist legal theory has exposed the limitations of the legal regulation of violence outside of and in conflict, there remain gaps in tackling the false dichotomy created by law itself.\(^\text{23}\) This is particularly required in the transitional


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justice field where the above noted features of violence during conflict, and its effects on gender violence in the aftermath, remain little explored. Frequently, the literature refers to the potential for transitional justice to bring transformation in women’s lives, to up-end the structural inequalities that enable gender-violence to continue after conflict.\(^{24}\) However, there is little analysis of what ‘transformation’ might mean and what law’s role and capacity for furthering such transformation might be. This project will explore the elusive concept of ‘transformation’ relative to transition and transitional justice in post-conflict contexts. This research project will take the empirical findings on variations and continuums of violence in conflict and map these onto current definitions and categorisation of violence against women in international law and select transitional justice mechanisms. A key consideration in this analysis will be whether violence against women after conflict and the contested sites of power between men and women are taken into account as relevant to ‘transition’ as a phase and ‘transitional justice’ as a mechanism. It will also analyse whether these factors can or should play a role in bringing about the kind of transformation that is required to move beyond the tolerance for violence against women that continues in the aftermath of conflict.

**Research Questions**

The following questions will frame the research project:

- What constitutes the phenomenon of violence against women and its emergence within pre, during and post-conflict contexts?
- Are the distinctions made by law between violence in the pre, during and post-conflict phases actually sustained by women’s lived experience of violence? What happens to violence in the aftermath of conflict and how is it categorised and understood?
- Can and should international law/transitional justice mechanisms play a role in promoting transformation in women’s lives after conflict?

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**Aims of the Research Project**

The overall aim of this project is to re-vamp scholarly and policy understanding and approaches to conflict-related gender violence and engagement on the same by international law, and specifically transitional justice. The specific objectives are to:

1. Finesse and extend the conceptual application of empirical research produced for a doctoral study completed in 2011 and prepare this research for publication: Existing data will be updated through a review of new secondary literature, and empirical data that was collected but not used in the original study will be analysed and deployed. Specific secondary research will be undertaken on the law and transitional justice aspects of the research to address the fourth research question above.

2. Collect additional primary data on the policy arena relevant to the research: This will be achieved through accessing policy actors and specific identified policy events based at the United Nations headquarters in New York. This data will be used to produce a set of policy-related critique and recommendations to expand the applicability of the research and resulting publications to the international policy arena.

**Methodology**

The project will build on and expand a three-year doctoral research project that was completed in 2011 to produce scholarly and policy-relevant publications. The project will employ qualitative social science and feminist research methods with an inter-disciplinary approach to examining gender violence in conflict. The ‘legal’ will derive from the field of feminist legal theory specifically – an approach in which “feminist legal scholars seek to highlight and explore the gendered content of law...with a view to bringing about transformative social and political change.”25 The research will also draw on critical work from disciplines such as the political-science, anthropological and international relations fields (see bibliography).

The methodology of the project will include: (i) use new empirical work on the basis of a case study approach, (ii) utilise and expand multidisciplinary theory and scholarship relating to conflict-related violence against women and feminist legal theory, (iii) collect new empirical data relevant to a critique

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of these issues and how they are addressed in the international policy arena, (iv) utilise reflexive methodologies in analysis and write-up. These are outlined in more detail, as follows:

(i) Developing Empirical Research Based on Case Studies:
New empirical data on three case studies (Northern Ireland, Liberia, Timor-Leste) will be published firstly on a collective basis and used to thematically explain violence across conflict phases, and secondly on an individual basis (new data on incidents of conflict-related gender violence in Northern Ireland and the gendered aspects of ritual violence in Liberia will be documented and theorised for the first time for both individual sites). A case study approach is used in recognition of the utility of case studies to generate new knowledge and theory. The contexts of Northern Ireland, Liberia and Timor-Leste were used in the doctoral study and they remain relevant to this expanded project primarily because of the diversity of forms of conflict and gender violence that they encapsulate. Brought together, these three sites represent a gradient in terms of where and how gender violence in conflict becomes identified and labeled as relevant to the discourse on political violence. As such, the three sites gradually build-up from Northern Ireland where gender violence associated with the conflict is denied or silenced (and where a debate on the past or on whether a conflict actually took place or not is also silenced); to Timor-Leste where conflict-related gender violence is more widely acknowledged but by no means fully understood; to Liberia where there is widespread recognition that a ‘rape as a weapon of war’ scenario took place and a ‘panic’ about the scale of the atrocities that women experienced and continue to experience. All three sites represent a spectrum of the ways in which conflict can play out and the ways that gender violence may manifest across conflict temporal spheres.

It is acknowledged that the three sites are very diverse. Their diversity however significantly influenced and became a strength of the doctoral study, which will be built on in this current phase. While somewhat explored in the doctoral thesis, the impact of their diversity on potential research outcomes will be further explored from a methodological perspective under this project. The “dramaturgical” quality of the war theatre and the witnessing of violent drama and its influence on the research process requires accounting for in this research project. The exceptional nature or the drama of political violence presents a methodological challenge with the risk of detaching such violence from the banal or

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labeling it as ‘something else’. For example, there is a widely held perception in the literature and the media that the violence in Liberia was particularly ‘savage’ or unusual.28 This has positioned Liberia as an enigma and it has often times been referred to as “the African other” within Africa itself.29 Such evaluations may position this case study as comparatively exceptional to other contexts with violent episodes, such as Northern Ireland and Timor-Leste, that are similar but are categorized differently. All three thereby could be considered as not comparatively compatible. The challenge is to methodologically pursue and circumnavigate predominant judgments and assess where these may prevail in literature related to the case studies and enable a research project that theorises and reflects on the nature of “extraordinary events” and how to engage with these in theorising conflict-related violence.30

(ii) Developing Theoretical Frameworks - Expanding Theory on VAW and International Law:

As noted above, the research project will engage with and expand existing theory relating to the subject of the research project.

First, an alternative applicability of ‘variations theory’ will be developed, expanding its conceptual reach by demonstrating further variations to what is currently documented as conflict-related violence against women. Second, the research will challenge simplistic conceptualizations of continuums of violence. Empirical data will be used to identify the complexity of inter-relational connections between violence before, during and after conflict and the relevance of contextual factors in prompting the mutation of violence in response to shifting politicised contexts. A ‘pre, during and post-conflict’ analytical framework, that was tentatively employed in the doctoral study will be further explored and developed as a means to critically assess the inter-related connections between violence across conflict phases.

Third, the research will critically assess the research findings from the perspective of transitional justice and rule of law processes post-conflict. Analysis of approaches taken by truth processes and by international criminal tribunals relative to the violence identified by the research will be undertaken.


Analysis will focus on whether formal or substantive approaches to gender equality have been taken in these processes and whether the use of customary law and plural legal systems have impact on the potential for gender violence to be addressed in these mechanisms. The research will specifically explore how violence becomes labelled within transitional justice mechanisms and the costs and benefits of this labelling process for addressing women’s experiences within and outside of conflict.

Fourth, the research will grapple with the concept of transformation, what it might mean in relation to the issue of violence against women after conflict and specifically what role law can play in ensuring that a post-conflict transition does not reinforce tolerance for enduring gender-violence against women. The research will explore whether a transformation rather than a transition is required so that substantive equality and an absence of violence can be achieved post-conflict for women.

(iii) Developing Policy Relevant Application:
It is anticipated that the research project will find that policy approaches to gender violence during conflict fail to address the multi-dimensional and multi-faceted nature of violence identified by the empirical research. Significant policy recommendations will be developed based on these findings. For example, recommendations will be made on how policy institutions can move beyond simply condemning gender violence in conflict to understanding more about its multidimensional nature and from this develop appropriate responses. In order to develop policy-relevant critique and recommendations, secondary data will be collected and analysed to draw in new policy developments, such as, for example, new UN Security Council resolutions on this issue that have developed since completion of the original study; and empirical work will also be undertaken in the international policy arena in New York, to further the policy reach of the project.

(iv) Reflexive Methodology
The notions of ‘reflexivity’ and ‘praxis’ (two primary elements of a feminist research framework) underscore the relevance of the former ‘research’ that a practitioner–come-scholar brings to scholarly research. Coming to a research project with a lived experience of the subject matter itself requires some accounting for in the methodological process. The experience of the doctoral study has indicated that the experience of ‘doing’ combines well with the experience of ‘critiquing’ and that research can become “a form of professional conversation between our practice and our reflective powers – mind
interacting with experience".  

A reflexive approach will be drawn into the overall analysis and write-up of this research project to ensure analytical accountability for the researcher in respect of the methodological process.

**Outputs of the Research Project**

This project was originally conceived of as a one-year project with a resulting monograph, plus three additional journal articles on associated aspects of the research (variations theory, ritualized violence in Liberia and methodological approaches to researching conflict-related rights violations). During the three months that are now available,

- a book proposal will be produced and submitted to publishers
- secondary research on the question of law and transformation will be conducted and initial drafts made for this chapter of the monograph
- primary research at UN headquarters will be undertaken, and
- a journal article on variations theory will be produced

**Bibliography**


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