

Revue québécoise de droit international
Quebec Journal of International Law
Revista quebequense de derecho internacional



MARTHA ALBERTSON FINEMAN AND ESTELLE ZINSSTAG, DIR,
***FEMINIST PERSPECTIVES ON TRANSITIONAL JUSTICE*, SERIES**
ON TRANSITIONAL JUSTICE, VOL 13, CAMBRIDGE,
INTERSENTIA, 2013

Carolina Jimenez Sanchez

Volume 26, numéro 2, 2013

URI : <https://id.erudit.org/iderudit/1068092ar>

DOI : <https://doi.org/10.7202/1068092ar>

[Aller au sommaire du numéro](#)

Éditeur(s)

Société québécoise de droit international

ISSN

0828-9999 (imprimé)

2561-6994 (numérique)

[Découvrir la revue](#)

Citer ce compte rendu

Jimenez Sanchez, C. (2013). Compte rendu de [MARTHA ALBERTSON FINEMAN AND ESTELLE ZINSSTAG, DIR, *FEMINIST PERSPECTIVES ON TRANSITIONAL JUSTICE*, SERIES ON TRANSITIONAL JUSTICE, VOL 13, CAMBRIDGE, INTERSENTIA, 2013]. *Revue québécoise de droit international / Quebec Journal of International Law / Revista quebequense de derecho internacional*, 26(2), 291–293. <https://doi.org/10.7202/1068092ar>

**MARTHA ALBERTSON FINEMAN AND ESTELLE ZINSSTAG,
DIR, *FEMINIST PERSPECTIVES ON TRANSITIONAL JUSTICE*,
SERIES ON TRANSITIONAL JUSTICE, VOL 13, CAMBRIDGE,
INTERSENTIA, 2013**

*Carolina Jimenez Sanchez**

Transitional justice has emerged in recent literature and practice as a combination of different mechanisms whose main goal is to help societies moving into a post-conflict stage by seeking to bring about an integral improvement in human rights in relation to the conflict itself and the long emergence phase. As has been stated by the International Center for Transitional Justice, the concept

refers to the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses. These measures include criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms¹.

In this context, it is easy to understand the link between transitional justice and feminisms, since after all conflicts, old and new, gender has been largely ignored in the post-war reconstruction process, which has been conducted according to a strongly patriarchal (mono)vision.

This volume² is needful and valuable due to the rare appearance in the literature of these two aspects—feminism and transitional justice—together³, which have now acquired a central position in the Series on Transitional Justice.

Martha Albertson Fineman and Estelle Zinsstag offer in this book a feminist perspective of transitional justice incorporating different views. They try to demonstrate that the diverse gender sensitive conceptions of justice can contribute to an improvement in the position of women in peace-building and transition processes.

Consequently, the book is made up of a wide range of feminist perspectives in essays (chapters) by fourteen authors. They are arranged in four parts: “Feminist Perspectives in Contexts”, “Feminist Legal Strategies and their Consequences”, “Emerging Alternatives within Transitional Justice”, and “Case Studies.”

* Lecturer on International Law and International Relations of University of Málaga (Spain). She received her Ph.D. in Gender and Armed Conflicts in 2013. Her research interests are in the fields of gender and International Law, specially Human Rights, International Criminal Law and Refugee Law.

¹ International Center for Transitional Justice, “What is Transitional Justice?” (2014), online: International Center for Transitional Justice <<http://ictj.org/about/transitional-justice>>.

² Martha Albertson Fineman and Estelle Zinsstag, *Feminist perspectives on transitional justice*, Series on transitional justice vol 13 (Cambridge: Intersentia, 2013).

³ There are a few publications whose central question is the relation between gender and transitional justice, such as Susanne Buckley-Zistel and Ruth Stanley, eds, *Gender in Transitional Justice*, (New York: Palgrave Macmillan, 2012), or between feminisms and transitional justice, such as Christine Bell and Catherine O’Rourke, “Does Feminism Need a Theory of Transitional Justice? An Introductory Essay” (2007) 1 International Journal Of Transitional Justice 23 [Bell and O’Rourke].

The first part, “Feminist Perspectives in Contexts”, covers the theoretical framework for the field of transitional justice and gender. In Chapter 1, “International Law and Domestic Gender Justice, or Why Cases Studies Matter”, Catherine O’Rourke takes an interesting new approach, analyzing the “four strands of the feminist critical-reflective critique of international criminal law.”⁴ The author applies this methodology to the case of Chile, thereby enriching this debate. Fionnuala Ní Aoláin carries out a complex review of the state of the various academic feminisms in transitional justice in Chapter 2, “Advancing a Feminist Analysis of Transitional Justice”. Considering the unavoidable disquiet generated by the academia, she proposes a pause to think the matter through. In Chapter 3, “Feminist Perspectives on Extraordinary Justice”, David C Gray and Benjamin A Levin take the Kyrgyzstan ethnic conflict as the starting point to reflect on how to develop transitional justice mechanisms, arguing that gender is the first element to take into account in abuse, while other aspects (ethnic, political or religious) are secondary. Eilish Rooney, in Chapter 4, “Intersectionality: A Feminist Theory for Transitional Justice”, undertakes a task of vital importance in remembering the need to add intersectionality in feminist theories of transitional justice, especially those regarding the absence of women in peace processes.

The second part, “Feminist Legal Strategies and Their Consequences”, is composed of three chapters. In Chapter 5, “International Law, Crisis and Feminist Time”, Mary H Hansel interprets some paradigmatic cases according to the classical crisis model of international law, reflecting on a quite original notion of “time” in relation to a broader concept of “crisis” that goes beyond feminist perspectives. In Chapter 6, “Justice as Practised by Victims of Conflict: Post-World War II Movements as Sites of Engagement and Knowledge”, Cheah Wui Ling analyzes how international law has approached conflict-related harm, evolving from the “State perspective” through the “perpetrator’s view” to a “victim-centered approach,” which emphasizes the importance of the victim’s role in transitional justice processes. Teresa Godwin Phelps carries out in Chapter 7, “The Symbolic and Communicative Function of International Criminal Tribunals”, an interesting exploration of the legal concept of sexual violence as adopted by the International Criminal Tribunals for Rwanda and the former Yugoslavia and the Special Court for Sierra Leone, and considers the need for change in the concept of rape, which still focuses too much on shame and dishonor.

Part three, “Emerging Alternatives within Transitional Justice”, explores alternative justice mechanisms in the field of feminism and transitional justice. In Chapter 8, “Sexual Violence Against Women in Armed Conflict and Restorative Justice: An Exploratory Analysis”, Estelle Zinsstag considers the inadequacy of the traditional punitive approach as a response to sexual violence and rape trauma during and after armed conflicts. Restorative justice proposes the idea of collective responsibility, which the author explores in the case of the Sierra Leone Truth Commission. Nevertheless, there are still some gaps to be filled in this type of justice. Peggy Maisel focuses on the context of the United States in Chapter 9, “Greensboro

⁴ Bell and O’Rourke, *ibid* at p 22.

and Beyond: Remediating the Structural Sexism in Truth and Reconciliation Processes and Determining the Potential Impact and Benefits of Truth Processes in the United States”, a case led by the citizens and characterized by the remoteness. In Chapter 10, “Exclusion of Women in Post-Conflict Peace Processes: Transitional Justice in Northern Uganda”, Joseph Wasonga examines the debate between advocates of punitive and restorative justice in the context of northern Uganda, outlining the nature of the conflict and the various transitional justice initiatives put into practice in the country, and including a gender perspective on them. In Chapter 11, “Shifting Paradigms for State Intervention: Gender-Based Violence in Cuba,” Deborah M Weissman carries out a remarkable examination of domestic violence from the Cuban viewpoint, taking into account the role of women’s associations in gaining parcels for gender equality. The author shows that a very local approach can have good results, according to the very low rates of domestic violence in the country.

Part four, “Case Studies”, comprises three chapters, each discussing one case study. In Chapter 12, “Beauty and the Beast: Gender Integration and the Police in Post-Conflict Bosnia and Herzegovina”, Lisa R Muftić and Azra Rašić undertake an empirical analysis of the integration of women in the police force after the conflict in Bosnia and Herzegovina. Julie Goldscheid uses a comparative method to explore the different employment strategies used for gender violence survivors in the United States and South Africa in Chapter 13, “The Parallel Processes of Law and Social Change: Gender Violence and Work in the United States and South Africa”. The final chapter, “Neoliberalism’s Impact on Women: A Case Study in Creating Supply and Demand for Human Trafficking”, also focuses on Bosnia, specifically the Arizona market for human trafficking; the author, Dina Francesca Haynes, takes into account the consequences of the neoliberal market liberalization practices on women. The essay points out the necessity to consider human rights, women’s rights and the rule of law in the long-term sustainability projects, and not only the immediate physical security and the liberalization of the economy.

This book is essential for those whose main lines of research are transitional justice, gender, feminism and conflict resolution because it collects together different perspectives on feminism and the transition to post-conflict times. We have the opportunity to deepen the connection between transitional justice and feminism, but also to reflect on the challenges that lie ahead. In this respect, some of the chapters offer interesting methodologies through which previous findings may be seen in a new light.

Everything makes more sense when theory and practice are linked, something that this book does extremely well. The cases of Chile, Kyrgyzstan, Bosnia, Cuba, South Africa, the United States, and others enrich the analysis and help to re-define new strategies to ensure that the gender perspective is kept firmly in the forefront of transitional justice.