Women’s Rights After War: On Gender Interventions and Enduring Hierarchies

Marie E. Berry¹ and Milli Lake²

¹Josef Korbel School of International Studies, University of Denver, Denver, Colorado 80208, USA; email: marie.berry@du.edu
²International Relations, London School of Economics, London WC2A 2AE, United Kingdom; email: m.lake@lse.ac.uk

Keywords
women, rights, inclusion, war, hierarchy, abolition

Abstract
Postwar recovery efforts foreground gender equality as a key component of building more liberal democracies. This review explores the burgeoning scholarship on women’s rights after war, first grappling with war as a period of possibility for building new gender-inclusive institutions. We review efforts in three arenas: increasing women’s political representation in post-war democratic transitions; improving access to justice for women through the extension of property rights and bodily autonomy within systems of carceral justice; and integrating women into labor markets and security sectors through various components of the Women, Peace, and Security agenda. Yet these inclusionary efforts have too often sought to dismantle one form of oppression (gender inequality) without challenging others. We document how projects to center women in liberal democratic reforms following war inadvertently overlook other manifestations of violence at the core of these institutions.
INTRODUCTION

In 2011, we crossed paths for the first time in a restaurant in Kigali, Rwanda, where we were both based for the summer while conducting research for our doctoral dissertations. In our earliest conversations, we shared how our respective projects identified ways that war can disrupt existing norms, institutions, and systems, leaving material, social, and psychological devastation in its wake. Our dissertations each demonstrated how war—and the unraveling it provokes—can erode established orders, upend existing leadership structures, and open new avenues for both societal and institutional change. We focused on women’s inclusion as a central feature of these interventions, understanding that war can structure important openings for upheavals in the gender status quo.

As we began working more collaboratively, we shared our frustrations with the ways in which the most visible interventions aimed at ending war and mitigating its gendered effects—from military interventions to peace negotiations to postconflict institutional reforms—fell short of challenging broader architectures of war violence. We observed myriad responses to the effects of war rather than its root causes. And we were skeptical of celebrations of gender parity within deeply violent and authoritarian institutions—like Rwanda’s government and police—as a tool to eradicate gender inequality and build more just, secure, and peaceful societies.

Policy platforms designed to better integrate women into existing institutions have gained particular momentum over the past 25 years, with growing international commitments to a series of frameworks foregrounding gender equality—including the Beijing Platform of Action and the Women, Peace, and Security (WPS) agenda. Through postwar constitutional redrafting processes, new gender quotas are designed to ensure women’s centrality in the forging of liberal democratic transitions (Tripp 2015). Through criminal justice and family law reforms, women are granted the status of autonomous rights-bearing, property-owning subjects within legal systems (Lake 2018, Merry 2000). Through periods of internationally orchestrated peace building, labor market and security sector reform programs promote women’s integration into market economies, police, and militaries (Henry 2012, Henry & Higate 2013, Karim & Beardsley 2016a). Yet the pursuit of projects to center women in these institutions, rather than attending to other dynamics of violence and exclusion at their core, risks undermining prospects for enduring and inclusive peace.

Inclusionary reforms have brought important gains in women’s symbolic representation, which have reinforced broader social trends toward gender equality and further established women’s centrality in building stable democracies. Yet these inclusionary efforts have too often sought to dismantle one form of oppression (gender inequality) without challenging others. When the women who suffer the most at the hands of patriarchal violence are also marginalized on the basis of other identities—namely, race, class, religion, or caste—then a singular focus on their gendered exclusion is unlikely to alter the social structures that ensure women’s continued subjugation and harm. As our research demonstrates, neglecting the ways in which multiple interlocking forms of oppression sustain and reinforce patriarchal power sets gender equality initiatives up to fail.

This article is an excava­tion of our reflections on these efforts, as they are dealt with in existing scholarship on postwar gender reforms and as they emerge in our own empirical research. We argue that one-dimensional gender reforms in the wake of war have often oversimplified gendered harm, leaving complex axes of capitalist, racist, and militarist power unchecked. To illustrate some of the specific ways that this oversimplification occurs, we highlight the stories of four women we have encountered over the course of our research—Mohna, Bandhini, Sofia, and Peace—whose perspectives bring some of the limitations of narrow approaches to women’s empowerment, premised on logics of inclusion, into sharp relief. In doing so, we lay bare the paradoxes at the core of many of these efforts (Enloe 2007, MacKinnon 1989, Tickner 2004).
We begin this review by focusing on the scholarship that has grappled with the period of time after war as a period of possibility for women (Anderson 2015, Berry 2018, Cockburn 2007, Hughes & Tripp 2015, Lake 2018, Tripp 2015, Webster et al. 2020, Wood 2015). This work, which includes our own, posits that the period of rebuilding after war offers a unique window of opportunity for forging more gender-equal societies. Unfolding in tandem with campaigns for women’s rights, much of this work has informed emergent policy paradigms on the relationship between gender inequality and violent conflict, especially the WPS agenda. Policy interventions in this mold rest largely on theories of change that center incremental reforms, anticipating that women’s entry into previously male-dominated spaces will slowly change norms, attitudes, and expectations, which will in turn lead to more gender-equitable and secure futures (Hudson et al. 2012). Through this lens, women’s inclusion is desirable because it reflects a normative commitment to equality and serves an instrumental goal of building more peaceful and just societies.

We then turn toward the paradoxes at the core of these efforts. We consider how interventions in the name of gender equality—such as the emphasis on women’s political inclusion, the focus on gender-sensitive legal reforms, and the push to include women in armed forces and market economies—can leave intact the very systems that produced gender oppression in the first place. We reflect on how, too often, champions of women’s rights after war have failed to reckon with the ways in which policies and frameworks aimed at women’s inclusion can create new arenas for other forms of subjugation to play out—militarism, corporate power, ethno-nationalism, and other anti-feminist agendas. We document how, in some instances, the rights and opportunities granted to women can permit some women to benefit at the expense of—and often through the continued labor exploitation of—more marginalized women. And we consider that much of this advocacy has relied on a narrow vision of harm, focusing on spectacular manifestations of violence, such as war, rather than the underlying root systems creating violence and harm in women’s lives.

We thus conclude with a call to imagine what a fundamental transformation of the structures driving hierarchy and oppression might look like. To do so, we bring more radical, abolitionist scholarship into our thinking on women’s rights and (ending) war. Foremost in any successful effort to cement women’s rights and security in postwar transitions must be a commitment to dismantling the systems that sustain architectures of violence in the first place. The incrementalist and singular logic that characterizes most dominant women’s rights advocacy and practice after war typically—and often inadvertently—leaves unequal and often exploitative systems of power unchallenged (Cho et al. 2013). A narrow focus on extending particular rights and opportunities to women against the backdrop of otherwise exclusionary institutions thus misses a crucial opportunity to weaken the root causes of gendered violence. In doing so, it leaves us blind to the ways in which interlocking hierarchies of oppression are constitutive of one another—and fuel for enduring conflict.

WOMEN’S RIGHTS AFTER WAR

Long considered a force of destruction and devastation, recent decades have seen a proliferation of scholarship that recognizes war as a critical juncture in which structures of the past are thrust into flux and possibilities for new social arrangements and institutional frameworks can emerge. This work has shown that war’s destruction can give rise to rapid and sometimes fairly progressive periods of social and political change (Berry 2018, Cockburn 2007, Hughes & Tripp 2015, Lake 2018, Mageza-Barthel 2015, Meintjes et al. 2001, Moran 2010, Olonisakin et al. 2010, Tripp 2015, Viterna 2013, Webster et al. 2020, Wood 2008).

Much of this attention to gender insecurity and armed conflict followed the wars in the former Yugoslavia and Rwanda in the mid-1990s. Across the world, activists were alarmed as journalistic
coverage on the plight of women in war increased and startling images of women rape survivors and refugees became common features in the news. The 1995 Beijing Conference immediately followed these wars. As the fourth and largest conference in a series of United Nations-sponsored World Conferences on Women, the Beijing Conference formalized the agenda in which women’s equal rights were positioned as a core part of efforts to build a durable peace, robust democracy, and stable economy. Whereas earlier UN World Conferences on Women had focused principally on including women in development efforts, Beijing placed a distinct focus on the importance of women’s political role during and after armed conflict (Chen 1995).

In the 25 years since, a set of tools for addressing gender issues during postwar transitions has emerged, as international actors have championed reforms intended to bring about peaceful, democratic transitions that center women’s rights (Hudson et al. 2012). This tool kit includes an emphasis on women’s political inclusion, the pursuit of gender-sensitive legal systems, and a broad suite of labor market and security sector reforms.

Women’s Political Representation and the Liberal Democratic Peace

A key arena in which women’s rights have advanced considerably in recent decades is that of women’s political representation. Legislative reforms, including but not limited to the introduction of political gender quotas, have often underpinned these positive trends. Whereas the global average of women in parliament hovers right under 25%, countries that have emerged from war recently—such as Burundi, Serbia, Ethiopia, Mozambique, East Timor, Nicaragua, and Rwanda—each have more than 35% women in their national legislatures.¹ Rwanda has been at the top of this list for more than 15 years, at the time of writing boasting the world’s highest level of women in parliament at 61%. Incorporating war into existing analyses of women’s political representation, Hughes (2009) found that this pattern holds globally, as certain types of armed conflict are associated with increased numbers of women in parliament. In a similar study in sub-Saharan Africa, Hughes & Tripp (2015) found that countries that had experienced civil wars have 4–6% higher rates of women’s legislative representation. Most studies attribute these advancements to two distinct but related processes: international pressure for liberal reforms during postwar reconstruction, resulting in the inclusion of gender quotas and other gender-sensitive reforms deemed essential for advancing representative democracy, and women’s movements that emerge during war and play critical roles in its aftermath (Berry 2018, Tripp 2015).

Gender quotas have been the subject of extensive study by scholars of politics and gender, as they are the surest mechanism to fast track women into politics (Clayton & Zetterberg 2018, Dahlerup & Freidenvall 2005, Franceschet et al. 2012, Krook et al. 2009, Tamale 2000). In addition to normative commitments to gender equality, another key motivation for increasing women’s political inclusion in the aftermath of armed violence rests on two mutually reinforcing empirical claims: first, that democracies do not fight one another (Doyle 2011), and second, that women’s political power is linked to a more effective, durable peace (Best et al. 2019, Hudson & De Boer 2002, Hudson et al. 2012, Melander 2005, Shair-Rosenfield & Wood 2017). Together, these assertions generate considerable support from global donors for gender-inclusive democratic transitions in war’s aftermath.

A wealth of policy and scholarship is underpinned by the premise that democracies do not go to war with one another, and this claim has been used as a pretext for military interventions (most

¹Data are from the Inter-Parliamentary Union’s Parline Database: http://archive.ipu.org/parline-e/parlinerearch.asp.
recently in Iraq and Afghanistan); the imposition of aid conditionalities; and successive civilizing
good governance reforms, each of which privilege elite and state-centered conceptualizations of
security (Barkawi & Laffey 1999, Enloe 2007, Geis et al. 2007). For decades now, aid and stabiliza-
tion programming has coalesced around the idea that the pursuit of liberal democratic polities,
derived by free market economies, is the most viable route to a more stable and peaceful
world. These claims, which have historically held considerable traction in both academic and for-

eign policy circles, underplay the explicit and more insipid forms of violence endemic to many
democracy-promoting efforts, raising crucial questions about whose interests democracies serve,
and whose security is (de)prioritized in their pursuit (Abu-Lughod 2013; Tickner 1992, 2004) (see
the sidebar titled Legal Equality, Citizenship Rights, and Social Closure).

Building on these logics, Shair-Rosenfield & Wood (2017; see also Clayton et al. 2019) have
argued that higher numbers of women in national parliaments similarly reduce the risk of conflict
recurrence, primarily, they find, because women in politics prioritize social welfare spending over
military spending and improve perceptions of good governance and politician credibility. Others
have relied on more essentialized narratives about women’s more peaceful nature and the roles
they can play as peacemakers (Hunt & Posa 2001).

Although gender quotas have become a standard tool to increase women’s political represen-
tation, research has also documented how war can catalyze women’s movements that demand
new rights and political opportunities. Women’s mobilization to resist war, challenge its effects,
and assert political voice has been a feature of wars from East Timor (Franks 1996) to Israel and
Palestine (Sharoni 1995) to El Salvador (Viterna 2013). Women’s movements born of war and
political violence—such as Las Madres de la Plaza de Mayo in Argentina or the Mother’s Front in
Sri Lanka—have also played a powerful role in challenging the state and demanding new rights
for women. Coupled with other institutional openings and opportunity structures after war, such
movements have challenged traditional expectations about women’s roles within society and place

LEGAL EQUALITY, CITIZENSHIP RIGHTS, AND SOCIAL CLOSURE

Whereas many scholars center markets in their critiques of liberalizing reforms, highlighting the dependence
of the global economy on an exploited underclass of workers (e.g., Harvey 2007, 2012; Sparr 1994; see also Lenin
1917), others point to the boundaries demarcated by democratization itself. Mehta (2018, pp. 16–17) writes, “The
program of making people formally equal is always (i.e., historically) implicitly bounded, and has the potential to
rebound on those outside the national community.” Brubaker (2009, p. 21) similarly critiques citizenship rights and
border regimes as a form of social closure, suggesting that rights regimes can often claim the state for a particular,
bounded citizenry that is internally inclusive but externally exclusive, discriminating between citizens and resident
foreigners to whom certain rights are not extended. In such critiques, the liberal world order is founded on a system
of hierarchy, division, and—by extension—exploitation, as most protections enshrined in law designate a particular
population to whom a set of rights is extended (e.g., property-owning men, citizens, legal residents, or other social
groups) and groups to whom those rights and protections do not apply. These exclusions manifest formally in law
and informally through other social hierarchies that deem some populations less worthy of protection than others.
See Walia (2014, 2021) for an exploration of the hierarchies created by interlocking systems of citizenship rights,
capitalism, and imperialism; see Graf (2021), Mutua (2001, 2002), and Mamdani (2010) for a discussion of inclusion
and exclusion within the international human rights regime; and see Tickner (1992) and others for feminist critiques
of state-centered approaches to security in the international system. It is also notable that electoral authoritarian
regimes and nominal democracies frequently gain accolades in donor circles, even when those regimes do little to
ensure stability or security after war (Flores & Nooruddin 2016).

Formal Legal Equality and Carceral Justice

In addition to women’s entry into new political spaces, war’s aftermath has also created opportunities for meaningful gains in the arena of gender justice (Freedman 2015, Mageza-Barthel 2015). In the cases of *Prosecutor v. Anto Furundžija*, Case No. IT-95-17/1-T (Dec. 10, 1998) and *Prosecutor v. Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic*, Case No. ICTY 96-23-T and IT-96-23/1-T (Feb. 22, 2001), the International Criminal Tribunal for the former Yugoslavia (ICTY) brought the first international criminal prosecutions of rape and sexual enslavement as crimes against humanity in 1998. In the same year, the International Criminal Tribunal for Rwanda (ICTR) became the first court to establish rape as a crime of genocide in the case of *Prosecutor v. Jean-Paul Akayesu* (1998). Against this backdrop, the International Criminal Court drew explicit attention to the unique plight of victims of gender violence, expanding its legal definition of rape to codify the protections enshrined in ICTR and ICTY case law. Accompanying the emphasis of the Rome System of Justice on conflict-related sexual violence, UN Security Council Resolution 1888 (UNSC-R 1888) also saw the creation of a Special Representative of the UN Secretary General on Sexual Violence in Conflict in 2010, whose core priorities include ending impunity for sexual violence in conflict and harmonizing the United Nations’ responses through the Action Against Sexual Violence in Conflict Network (UN Special Represent. Sex. Violence Confl. 2015). Scholars have similarly documented the work of activists advocating for the protection, promotion, and entrenchment of women’s rights in domestic legal systems, which is often made possible through a sequence of constitutional, civil law, criminal justice, and family law reforms that accompany postwar transitions (Gray et al. 2006, McBride et al. 2010, Montoya 2015, Simmons 2009, Tripp 2013, Zwingel 2012).

These efforts, designed to undermine patriarchal systems of social and economic power by enshrining women’s bodily and marital autonomy, as well as independent access to property and land, have been consequential for the pursuit of justice for a variety of gender-based harms in war-to-peace transitions. Resources have been channeled toward enshrining property, inheritance, and land ownership rights for women, as well as for combating impunity for gender-based crimes through various domestic legal reforms (Christensen et al. 2017). In Liberia, with support from the UN Mission, the government established a Ministry of Gender and constructed special police units to tackle women’s and children’s welfare and development, alongside a small number of specialized sexual offenses courts (Buss et al. 2014, de Carvalho & Nagelhus Schia 2011, Karim & Gorman 2016). In the Democratic Republic of the Congo, the development of a Comprehensive Strategy on Combating Sexual Violence (and a dedicated unit to coordinate activities on this topic) by the UN Mission is just one of many initiatives around these broad themes (Lake 2018).

Other countries emerging from war have similarly prioritized justice for gender-based crimes in domestic legal systems. In Bosnia, the bifurcated postwar government, supported by international stakeholders, created a variety of new legal frameworks to address war crimes involving forced prostitution and sexual violence (2003 Criminal Code of Bosnia and Herzegovina), and a series of Gender Action Plans formed part of a patchwork of strategies to respond to gender-based violence (United Nat. 2006). In Colombia, many gender-sensitive transitional justice mechanisms have been established, prior and subsequent to the 2016 Peace Accord (Yepes et al. 2006). In 2011, for example, the Law for Victims and Land Restitution (Law 1448 of 2011) included extensive references to women and gender, as well as emphasizing what it refers to as *enfoque diferencial* to account for gendered experiences of conflict (Krystalli 2020). Colombia also introduced a legal
framework for the protection of women from violence in both private and public realms (Law 1257 of 2008); improved access to justice for survivors of conflict-related sexual violence (Law 1719 of 2014); and established a legal framework for responding to instances of femicide (Law 1761 of 2015). In many postwar contexts, donors, international organizations, and women’s rights advocates have pursued legal reforms and women’s property rights programs to afford legal rights over property, land, and inheritance to women and support male household members in legally transferring part of the household’s property into a woman household member’s name (Doss et al. 2015, Hartman et al. 2021). Family law reforms, including legal changes in women’s rights to seek divorce, as well as to maintain custody over children, are also commonly introduced as part of a suite of postwar legislative reforms, often accompanied by legal information and outreach, household socialization, and monetary incentives.

Each of these developments has delivered incremental but meaningful changes to some women’s experiences of equality and justice. The symbolic effects of prosecuting rape perpetrated in war set an important precedent that conflict-related sexual violence should not go unpunished. The extension of property rights to women has had important repercussions for intrahousehold gender relationships (Meintjes et al. 2001, Pottier 2006). Even more significantly, the incorporation of international frameworks, instruments, and language to address conflict-related and other forms of sexual violence into domestic legal systems has served to shape the accountability landscape for victims of gendered harms and create momentum and further activism around previously unacknowledged forms of violence.

Yet such developments have systematically fallen short of delivering on promises of gender justice or equality in a variety of ways. Across a range of postwar contexts, only a small handful of women are ever even alerted to the existence of new legal rights and frameworks, and fewer still benefit from such reforms in practice. A lack of access to justice for most women, coupled with weak rule of law and the persistence of conservative attitudes toward gender, combine to ensure that formal legal equality is both rare and inadequate in the context of many war-to-peace transitions. And the high prevalence of backlash violence women face when they seek to lay claim to new rights jeopardizes any de jure progress toward equality. The result is that for most women, most manifestations of gendered harm remain unaddressed (Lake 2018, Lake et al. 2016, Porter 2016, Sahin & Kula 2018).

Finally, for criminal justice reforms, the deep entrenchment of carceral logics ensures that those with the least political and economic power or leverage are disproportionately vulnerable to incarceration and punishment (Coetzee & du Toit 2018, Douma & Hilhorst 2012, Moffatt 2006). Whereas those from more privileged backgrounds can evade retribution for crimes they are accused of committing, either by hiring effective legal representation or through other means, those from underprivileged or minoritized communities may have little recourse against allegations levied. In some instances, such disparities have resulted in uneven sentencing within communities from particular backgrounds, and in other instances, criminal charges provide a pretext for mass incarceration (Thomson 2011). Penalties disproportionately levied on already marginalized social groups in turn further criminalize minoritized populations, creating poverty traps that deepen experiences of social and political exclusion.²

²In advanced industrialized democracies, scholars have demonstrated how the interplay of unequal property rights regimes and systems of carceral justice institutionalize structures of exploitation through racial capitalism and the urbanization of empire, exposing the false promise of equality inherent in many postwar liberalizing reforms (Danewid 2020, Dawson & Francis 2016, Fagan & Ash 2017, Francis 2014, Murakawa 2014).
Capitalism; Militarism; and Women, Peace, and Security

The years immediately following the Beijing Conference represented a period of tremendous mobilization among women peacebuilders and activists investing in securing women’s fuller and more robust participation in transitions from war to peace (Anderlini 2007, Hill et al. 2003). In addition to prioritizing women’s political inclusion and gender-sensitive justice reforms, activists lamented the lack of women in the formal labor market, as well as in UN focus areas like peace negotiations and disarmament, demobilization, and reintegration programs (Cockburn 2012; Confortini 2012; MacKenzie 2009, 2021). This advocacy paid off in 2000 with the adoption of UN Security Council resolution 1325, the first of 10 resolutions that now comprise the WPS agenda.3 This agenda is structured around pillars including prevention, participation, protection, relief and recovery, and norms; it aims, at its core, to champion equality through women’s incorporation and centrality in peace building.

The WPS agenda has offered a global architecture for addressing issues of gender inequality in both war-making and peace-making efforts (Cohn et al. 2004). WPS exists “as an umbrella term for an array of campaigns, policies, and blueprints that ‘take a gender perspective’ on the causes, character, and resolution of war and associated forms of violence” (Kirby & Shepherd 2021, p. 2). Although champions of the agenda have noted that it has few direct mechanisms through which to meaningfully effect concrete changes in the lives of women in conflict zones, they note it nevertheless provides essential leverage for women who have the security and space to organize to demand attention from international actors. As more and more women in conflict zones across the globe have become aware of the WPS agenda, they have used it as a framework to demand a seat at the table or an audience with decision makers (Cohn et al. 2004).

Over the 20 years of the WPS agenda to date, scholars have celebrated its success in bringing gender-specific concerns related to how women experience war and its aftermath to the table. The agenda has also brought unparalleled attention to the leadership roles women play during war, especially as they work to prevent conflict, resolve local tensions, build peace, and rebuild their communities. Entire handbooks (Davies & True 2018); journal special issues (Kirby & Shepherd 2016, 2021); edited volumes (Olonisakin et al. 2010); and policy reports from organizations like UN Women, Inclusive Security, and Folke Bernadotte have been devoted to this field of research.

A major focus of WPS research has been on women’s inclusion in formal peace negotiations, with data-rich research finding that women’s participation as negotiators, mediators, and arbitrators substantially increases the odds that the peace agreement will last (Adjei 2019, Krause et al. 2018, Myrttinen 2018). Others find that peace processes that include civil society groups, such as women’s organizations, at the table are 64% less likely to fail (O’Reilly et al. 2015). Despite this fact, only 20% of peace agreements signed between 1990 and 2019 included any references to gender or women. These findings have triggered major advocacy campaigns in contexts like Afghanistan, South Sudan, and Colombia to push for women’s inclusion in both the process and substance of formal negotiations.

A core focus of WPS champions has been women’s participation in security sector reform, particularly after UNSC-R 1820, which called for increased deployment of women in peace operations. WPS champions have advocated for the inclusion of women and gender-responsive priorities in comprehensive security sector reform, targeting the military, police, intelligence services, and any other security institutions tasked with upholding the rule of law. Beyond the normative arguments about the importance of women’s representation in these operations, more strategic

---

arguments have posited that women increase operational effectiveness, as they are less violent actors and capable of doing gender-specific tasks (Olsson et al. 2009). Karim & Beardsley (2016a,b) document how women’s inclusion in peacekeeping missions leads to lower rates of sexual exploitation and abuse by peacekeeping forces. Other studies have found that women police officers are less likely to use deadly force and receive fewer citizen complaints (Greener 2020). Still others have emphasized the importance of increasing the number of women in military forces as well as strengthening gender perspectives in the planning of military operations (Carreiras & Fragoso 2018).

Scholars have offered many critiques of the WPS agenda. At the core, many have accused the agenda and its advocates of failing to challenge broader systems of patriarchy, militarism, and capitalism. Scholars have noted that the phrasing and framing of WPS reifies the gender binary by relying on heteronormative ideas of “women” and failing to account for gender hierarchies (Chinkin & Charlesworth 2006; Hagen 2016; Otto 2006, 2015; Shepherd 2008). The agenda’s neoliberal logic centers individual women’s inclusion and empowerment, neglecting which women are included and largely ignoring the capitalist economic systems in which women’s material reality exists (Martín de Almagro & Ryan 2019). In addition, advocacy around the agenda is premised on the general idea that more women in military structures leads to more women-friendly war making, reinforcing traditional security paradigms that rely on statist, heteronormative, and essentialist logics of security provision (Aroussi 2020, Cockburn 2007, Kirby & Shepherd 2016, Shepherd 2016). Such logics also reinforce colonial ones, allowing predominantly white women situated in the Global North to drive the agenda in which Global South women are the primary receivers (Parashar 2018, Pratt 2013a,b). Indeed, building on earlier scholarship on the ways women’s bodies are frequently used as a pretext for militarized imperial expansion (Abu-Lughod 2013, McClintock 2013, Pratt 2013a, Yuval-Davis 1997), Pratt (2013b, p. 773, italic in original) notes that UNSCR 1325 enabled the international community to “harness women’s agency in the reproduction of racial-sexual hierarchies of power that are mobilized in the production of post 9/11 security discourses and practices.”

Women’s integration into formal labor markets has engendered similarly complex social dynamics, particularly within deeply inequitarian social orders. Although scholars, practitioners, and activists have often celebrated women’s entry into formal workplaces, such transitions have not been without repercussions, and their costs and benefits have been distributed unevenly among differently situated women (Cock 1981, Luna et al. 2017, Tronto 2002). These uneven effects are particularly acute in postwar contexts. Postwar gender advocacy frequently emphasizes the importance of women’s labor force participation, promoting reforms to policy and family law to facilitate these shifts, and to lock in labor market shifts that emerged during the war (Berry 2018).

Illustrative of the ways in which interlocking hierarchies of oppression are constitutive of one another, in many postwar contexts, as in more stable liberal democracies, women entering the formal labor market typically hail from dominant social groups, whereas the informal economy is disproportionately composed of women from ethnic and racial minorities.

Between the pressures of productive and reproductive roles, women entering formal workplaces for the first time suffer the stigma of shedding traditional gender identities. As they enter the labor market, domestic labor they would previously have taken on themselves needs to be borne by others, and typically, the primary costs of these transitions are borne by women from minoritized backgrounds, who assume the roles of maids, domestic servants, and sometimes enslaved laborers for an emerging middle class of newly salaried women. Domestic laborers are particularly vulnerable to multiple forms of (gendered) exploitation. Moreover, their entry into commodified care work in wealthier households can reproduce intergenerational poverty. Those performing care work for wealthier women often have school-age daughters who take on
domestic labor in their own homes in their absence, impeding on access to education and other forms of social and labor market mobility (Withers & Piper 2018).

PARADOXES OF INCLUSION

Despite the tremendous amount of thinking, advocacy, funding, policy making, and writing that has been devoted to women's political inclusion, gender-sensitive justice reforms, and the WPS agenda over the past 25 years, researchers and human rights advocates have documented the myriad ways that women in contexts recovering from war continue to experience insecurity, violence, discrimination, and disenfranchisement. These forms of insecurity sometimes stem from the same actors responsible for the war in the first place. More often, they stem from partners, community members, or those charged with keeping the peace—such as police. In Rwanda, the high number of women in parliament has not altered the regime’s repression of human rights, extrajudicial killings, and suffocation of opposition, nor has it led to meaningful opportunities for the majority of urban and rural women. In Colombia, one of the world’s most gender-sensitive peace agreements has not altered the daily threats of sexual and gender-based violence faced by women social leaders from Afro-Colombian and indigenous communities. These realities reveal the limits of reformist and inclusionary strategies for undoing gendered harm. What is more, they also invite a deep pessimism that pursuing more gender-equal transitions from war to peace serves as a surefire route toward dismantling systems of war, violence, and oppression.

In the following sections, we make two interventions stemming from our own ongoing research that aim to deepen our thinking about how postwar periods can open possibilities for the transformation of oppression—gendered and otherwise. First, we suggest that interventions in the name of gender equality can inadvertently create new terrain on which other struggles for power—particularly those bound up in hierarchies of race, class, ethnicity, and caste—can play out. We document the ways in which women’s rights reforms can be deliberately instrumentalized by political actors to shore up ethno-nationalist agendas and promote anti-feminist policies. In addition, we observe how individual women’s gains in politics or the economy often incidentally rely on the exploitation and continued subordination of women from a minoritized underclass, who may be criminalized on the basis of other intersecting identities and thereby disproportionately subject to racialized and gendered violence, or who perform deeply gendered household labor for elite women.

Indeed, when women from privileged backgrounds are afforded uneven access and benefits within postwar democratic transitions, in carceral justice systems, and through market and security sector reforms, gendered inclusion can legitimize the very institutions that preserve existing forms of social differentiation. Whereas formal or de jure rules may espouse equal rights and representation for women, informal rules, expressed through deeply entrenched social, political, and economic hierarchies, ensure that women from particular backgrounds remain systematically underserved. These informal contours of access structure which women are able to inhabit the identity of a rights-bearing subject, worthy of protection by the state, and which women’s rights prove expendable. In many contexts, women outside the dominant political class (for example, migrant women, low-caste women, racialized women, or women from otherwise minoritized communities) are casualties of more privileged women’s advancement, taking on the domestic or household labor without which differently situated women would be unable to enter the formal labor market or other arenas of public life. In documenting the deliberate and incidental exclusion of minoritized women in postwar women’s empowerment initiatives, we articulate how a singular focus on gender rights often obscures the ways in which class—along with other intersecting systems of oppression—upholds gender inequality and marginalization.
Second, we show how the lack of attention to the underlying root systems structuring violence and inequality are too often missed by the frameworks discussed above (political inclusion, legal reform, and women’s inclusion into systems of capitalism and militarism). By focusing on inclusionary reforms in the aftermath of spectacular, headline-grabbing instances of violence—i.e., in the aftermath of war—these interventions neglect the multifaceted ways that women experience insecurity in their daily lives. Moreover, delimiting the focus of gender advocacy to postwar contexts and war-to-peace transitions invisibilizes the ways in which patriarchal, capitalist, militarist, and imperial power function in ostensibly secure liberal democracies. By focusing on certain experiences or categories of violence (such as the violence women face resulting from war) over others, champions of women after war can inadvertently create new hierarchies of victimhood (Butler 2010, Mamdani 2010). Many women we have spoken to over the course of our research alerted us to the quotidian challenges of poverty, ethnic and racial discrimination, environmental harm, and labor exploitation they face in their daily lives. Yet many conveyed a widely held perception that the international community is interested only in the violence wrought by war. This results in an ecosystem wherein a global emphasis on conflict-related sexual violence, war widowhood, ethnic cleansing, and other forms of conflict-related violence in aid and development programming (and the hierarchies that manifest within these categories) invisibilizes the myriad other gendered injustices that manifest far more frequently in women’s everyday experiences of both war and peace (Baaz & Stern 2013, Dunn 2016). Troublingly, this emphasis obscures the ways in which interlocking hierarchies of militarism, capitalism, imperialism, and patriarchy are at the root of both spectacular and nonspectacular harm.

**Strategic Instrumentalization and the Unequal Impacts of Gender Advocacy in Inegalitarian Social Orders**

We meet Bandhini in her apartment in Colombo, Sri Lanka. She is well-known as a champion of women’s rights in Sri Lanka, frequently invited to international conferences and asked to speak on the WPS agenda. Yet she is frustrated. Many of the women governors, she notes, have actively advocated against women’s rights and advocate only for the government. These women ignore the suffering of women during war, especially those who suffer at the hands of the government. Instead, women in politics are used only as a political platform, and have no commitment to rights or justice.

Bandhini’s reflections are familiar to feminist scholars of rights who note that women’s rights reforms can present a new terrain for political interests and struggles. Champions of inclusionary efforts frequently overlook how rights or inclusion efforts can differentially empower certain women within inegalitarian social orders, as women from certain ethnic, class, religious, linguistic, political, or educational backgrounds may stand to benefit disproportionately from new rights and opportunities (Brown 1995). Moreover, new rights and opportunities for women can be captured by those with particular material or political interests.

Many women we have encountered over the course of our research revealed how the incorporation of women into politics either explicitly or implicitly serves to boost international credibility while reifying social cleavages or ethno-racial hierarchies. Rwanda, for example, boasts the world’s highest level of women in politics, resulting in widespread international acclaim. And yet it has been well documented that these women are disproportionately from an ethnic minority that is closely allied with the ruling regime. Moreover, the number of women in Rwanda’s politics has served as a democratic smoke screen that masks the regime’s otherwise authoritarian consolidation of the power of a small, Anglophone Tutsi elite (Berry & Lake 2020, Burnet 2008, Longman 2006). At the same time that Rwanda’s hugely successful gender quota was being hailed as a
beacon of gender-progressive politics in international discourse, stakeholders consistently looked
the other way while the ruling party sanctioned arbitrary detention and extrajudicial killings of
political opponents and members of the country’s criminalized Hutu majority. Autocracies like
Morocco and Algeria have used similar strategies to boost domestic and international legitimacy
and establish faux democratic credibility (Tripp 2019). And in Sri Lanka, the promotion of women
into politics, coupled with the recent introduction of a gender quota, lends a veneer of legitimacy
to a regime that continues to perpetrate mass human rights abuses. Whereas women associated
with the dominant political parties have forged a path into politics, women from poor rural com-
5
4
2
munities remain politically marginalized, and Tamil and Muslim women are subject to continued
state violence, surveillance, and criminalization (Cronin-Furman & Gowrinathan 2015, Pinto
Jayawardena 2010).

Thus, although war’s destabilizing effects increasingly engender power transitions that result
in women’s rights gains, we contend not only that these gains are often limited in their reach and
depth but that women’s inclusion can be used strategically to shore up other forms of subjugation
and oppression (Donno & Kreft 2019, Farris 2017, Tripp 2019). Indeed, many conservative polit-
cal parties around the world are well known for ensuring women (and sometimes ethnic or racial
minorities) are well-represented in politics to rebut critiques that they are themselves misogyn-
ist or racist. In Colombia, women in President Ivan Duque’s “parity cabinet” have, for example,
played a leading role in advocating against feminist priorities such as demands for reproductive
rights.

We met Peace, an unemployed, 23-year-old secondary school graduate, in Kigali, Rwanda.
Against the backdrop of Rwanda’s decision to provide secondary education to all regardless of
gender as part of a sweeping set of gender-inclusive reforms after the 1994 genocide, girls accepted
at secondary school are often excited about the opportunity to continue their education. But once
they arrive, they discover many hidden costs. Peace found that in addition to accommodation
and food, she faced expectations to look the part of a “modern girl”—hair plaiting or styling is
expected, soap and lotion establish status among peers, and traditional African fabrics are shunned,
associated with life in the village. Peace explained how these expenses motivated her to take a sugar
daddy, with whom she exchanges sex for money. “When you don’t have a job, you can’t provide
yourself with everything you need—clothes, lotion, hair styling… the thing is that we will go for
anything because it is the only way to get money. It is the only option we have” (see also Berry
2015). In her case, and in the case of many other Rwandan women and girls, claiming the rights
of a twenty-first-century Rwandan woman was not as straightforward as was hoped.

Throughout our research, women with certain class and political privilege can exercise their
rights via networks, or can afford the costs associated with claiming these rights. For instance, girls
from higher-income families in Rwanda often receive stipends from their families to help cover
the costs of basic beauty commodities. Yet those from marginalized class, ethnic, racial, religious,
caste, or other backgrounds are rarely able to do the same (Williams 1991)—finding themselves,
in Peace’s case, vulnerable to the various risks of transactional sex, such as social stigma, unwanted
pregnancy, or disease.

Across the globe, the extension of rights to women after war reflects important progress.
Women in Rwanda’s parliament report feelings of accomplishment, power, and pride when
describing their role in shaping the country’s future. And yet throughout our research, women
associated with poor or minoritized ethnic, religious, or racial identities or political platforms
face insurmountable barriers to accessing these opportunities. In some cases, women from these
backgrounds are excluded deliberately. In others, economic and social hierarchies ensure they
provide the necessary domestic or household labor that permits women from more privileged
backgrounds to take up new roles in public life.
Gender reforms premised on inclusionary logics can thereby undercut more transformative efforts to dismantle intersecting structures of inequality and gender oppression by presenting opportunities for elites to advance exclusionary or ethno-nationalist interests behind a veneer of democratic progress. Yet, like any legal reforms, singular gender rights activism that promotes gender equality, while leaving unchallenged other hierarchies of power and marginalization, privileges the advancement of some groups of women over others and leaves minoritized communities vulnerable to other manifestations of sexual, criminal, institutional, and workplace violence. Not only are these manifestations of violence inevitably deeply gendered, but such dynamics risk fomenting the very inequalities that threaten durable and inclusive peace.

**Beyond the Spectacular**

We meet Mohna in a hotel café in Janakpur, a city in Nepal’s southern Terai region along the border with India. She has been organizing women to demand rights from the state. We ask her about how women affected by the Maoist insurgency have been able to receive compensation or justice from the state. But Mohna tells us, “None of the women are healthy in this region.” The list of ailments she recounts is long: Women have gastric problems, cancer, arthritis, high blood pressure, diabetes, infertility, and cataract problems. Children have pneumonia, jaundice, and deformities of the lips or limbs. “All of this started in the last 10 years,” she notes. “The temperature is growing worse...because everywhere there is concrete only; as you can see, there are no trees.”

Gender interventions after war and violence have focused overwhelmingly on harm and suffering that emerge directly from the hands of other human beings, via weaponry and the mechanisms of modern militarism. Yet ecologists have offered an important corrective to this focus, insisting that calamities of differing temporalities require our attention—especially with the imminent threats of catastrophic climate change. In Nepal, best estimates are that at least 15,000 Nepalis die from air pollution–related illnesses each year. That is, more Nepalis die each year from pollution than died during the entire 10-year Maoist insurgency or the 2015 earthquake—both of which mobilized massive international aid and peacebuilding responses. Nixon (2011) has termed this type of harm “slow violence,” because it results in suffering of bodies, soils, communities, and groups. He also illustrates how it is often linked to war—in the carcinogens of arms and bombs or the unexploded landmines or the pesticides used to clear brush for assault. At the same time, much of this “slow violence” is linked to neoliberal projects and capitalist extraction more generally (Das 2006).

Because slow violence is not spectacular, it does not make headlines and rarely generates international attention or advocacy responses. And yet its implications for women’s lives and rights must be reckoned with if we are to build durable, secure, and gender-just futures. Mohna’s experience captures the harm of this imbalanced attention toward granting rights after certain types of harm but not others, as some suffering becomes more “grievable” than others (Butler 2010). We contend that the focus on spectacular manifestations of violence, such as war, obscures the violence caused by the root systems of harm—those of militarism, racial capitalism, imperialism, and patriarchy—that fortifies these systems and delays their eventual dismantling. These manifestations of slow, oblique, banal violence have emerged among the most prominent and consistent themes throughout our research.

We meet Sofia in a coffee shop in Cartagena, where she has lived since 2001, after being displaced from her remote village in Colombia’s Bolivar department by paramilitary violence. She has watched a series of peace processes, complete with sweeping gender reforms, attempt to build
peace for her and the millions of others displaced by more than five decades of armed conflict. Yet she tells us, “the situation of women in Colombia before, during and after this senseless war that we experienced, has not really changed.” This is because for

the grassroots woman, the peasant woman who is the one that still experiences war conflicts where she lives, their situation is still the same... We, the women, have always been repressed by this constant pattern of violence and we have never been able to free ourselves from it. We experienced not only violence at the hands of the armed groups, but also domestic violence, gender-based violence... Due to the conflict we have experienced, it’s more obvious and easier to see, but violence against women is what has kept us, let’s say, submissive in every single area of life.

Sofía draws our attention to the violence of patriarchy. The insidiousness of gender-based oppression is a pervasive source of harm in women’s lives that stretches on a continuum far before and after armed conflict. Like the slow violence of environmental calamity, gender-based violence is also linked in particular ways to armed conflict, especially in the way that war can legitimate men as agents of violence and position women as victims (Sjoberg 2013). More generally, Cockburn (2010) has argued that patriarchal gender relations and the sex/gender hierarchy are a cause of war violence. Violence as a banal practice, as a daily reality, rarely factors into interventions aimed at redressing gendered violence after war.

The false separation of these slow forms of violence from those caused by armed conflict has contributed to a hierarchy of “worthy” oppression, wherein some forms of harm and violence are deserving of attention and outrage whereas others are not (Butler 2010, Krystalli 2020, Mamdani 2010, Moses 2021). This is reflected in the media coverage and academic scholarship devoted to each. Champions of the WPS agenda rarely integrate the brutalities of slow violence and environmental degradation into their frameworks, despite the glaring reality that they are fatally intertwined with women’s experiences of gendered oppression and war.

Instead, efforts to dismantle war violence can inadvertently reify this hierarchy, whereby victims of war violence are positioned as more deserving of rights and justice than are victims of other forms of gendered harm. This separation obscures the fact that the origins of these different forms of violence are linked. For instance, the interests of the political actors responsible for war violence in many contexts are intimately bound up with the corporate interests and profit that drive environmental degradation. The cigarette factories, manufacturing plants, and other industries responsible for Janakpur’s poor air quality serve the wealth and prosperity of a privileged few. Infrastructural development, palm oil production, control of the ports, and other forms of business and investment in Colombia are similarly sustained by the same factions and cartels responsible for continued political violence and unrest. Marginalized women suffer at the hands of both. Attempts to mitigate the harms of one singular form of violence (e.g., sexual violence linked to war) without challenging others (e.g., extractive exploitation) fail to grapple with the complex ways in which capitalist, imperialist, militarist, and patriarchal systems of oppression are sustained and constituted by one another and tend to claim the same women as their primary victims.

Our research reveals that attention to women’s rights after war has failed to contend with the urgent need for advocacy around women’s rights in relation to the harms that manifest from slow violence. One implication of this emphasis on the spectacular in the ecosystem of postwar gender advocacy is that the violence and harm experienced by less-privileged women in war-affected contexts, as well as the violence experienced by women in ostensibly peaceful societies, is a lesser casualty of the gender system. The failure of WPS advocates to look squarely at the myriad forms of violence and exploitation experienced by minoritized women in powerful liberal democracies shines a glaring light on the ways in which singular gender advocacy can create new hierarchies.
of harm (for exceptions, see, e.g., Henry 2021, Moses 2008). The designation of spectacular forms of violence and suffering as worthy of international mobilization and advocacy, whereas more ordinary forms of violence are normalized and indeed foundational to liberal democratic stability and order, has profound implications for differently situated women and for the value attributed to their humanity. This differential attention afforded to spectacular manifestations of (gendered) wartime violence and the violence of the everyday in war and peace erases the linkages between them and obscures the root causes of both.

**REIMAGINING GENDER-JUST FUTURES**

Put simply, gender reforms after war that focus singularly on women’s inclusion too often leave other axes of hierarchal power unchecked (Marx 1844, Nielsen 2004). The stories of Peace, Bandhini, Mohna, and Sofia illustrate some of the specific ways that incorporating women into politics, law, markets, and militaries without attending to other axes of oppression often fails to dismantle the very systems that produced gender harm in the first place (McCann 2006). As Bandhini noted earlier, the extension of women’s rights has allowed for dominant political factions to entrench their political control while gaining democratic legitimacy. As Peace shows, granting girls access to education without attending to the economic and patriarchal underpinnings of her experience of marginalization not only makes visible different manifestations of gendered harm but in some cases can exacerbate them, creating new possibilities for injury. Mohna’s and Sofia’s experiences call our attention to the multiple types of violence women experience beyond war, from environmental destruction to labor exploitation and intimate partner violence. International attention to women’s rights has often left the root systems structuring violence intact. Sofia tells us, “In the end, by trying to minimize the violence, we are increasing it, precisely because [justice] isn’t guaranteed.”

The perseverance of capitalist, racist, and militarist power requires us to refocus on how we might work to dismantle the structures underpinning war and all interlocking forms of oppression. Such efforts require a radical reimagining of what is possible. Dominant approaches to women’s rights after war reflect, as Gilmore (2020) puts it, “a militarized form of thinking,” whereby there is a fundamental separation between distinct struggles for liberation. It is this ethos that leads Davis (2020) to instead call for an enlarged field of vision, “so that rather than focusing myopically on the problematic institution and what needs to be changed about that institution, we raise radical questions about the organization of the larger society.” She continues, “reforming specific institutions without changing their foundational elements may reproduce and perhaps even exacerbate the problems reform seeks to solve” (Davis 2020). Reform, at its core, can protect unjust and oppressive systems from total collapse (Rodríguez 2020).

Questions about a larger restructuring of society are paramount when thinking about how to unravel the brutalities of a violent geopolitical order that thrives on the reproduction of hierarchy and subjugation. Abolitionist thinking reminds us that the kinds of violence and limitations Sofía, Bandhini, Peace, and Mohna articulate above do not stem from the fact that the system of global politics is broken, or that the peace negotiations and gender rights frameworks have failed and simply need more money, more investment, and more political will to succeed. Instead, these systems are operating exactly as they were designed to operate, hurting the people they have always hurt, and claiming the same women as their victims. It is not a coincidence, as our research shows, that the women who are most harmed by gender inequality and patriarchal violence after war are the same women harmed by other violent structures. To take seriously a project of gender emancipation, therefore, these patterns alert us to the urgent need to dismantle all systems of domination and oppression. This form of gendered liberation demands a vision that does not
depend on the reproduction of hierarchy, manifest in nation states, borders, or militaries. It instead necessitates a focus on what Roy (2020) terms the “lattice work” of suffering—between races, classes, and genders and across continents.

We follow the lead of radical political communities and abolitionist thinkers who have long advocated for a fundamental rejection and reimagining of status quo politics. These thinkers instead invite us to imagine a society in which everyone has all of the things they need (Brown 2017, Davis 2016, Gilmore 2007, Kaba 2020, Kelley 2003, Klein 2020, Richie 2012). Existing scholarship, coupled with our own research, demonstrates the need to (re)consider what the pathway toward a more gender-equal world looks like. Today, mainstream thinking charts a path toward gender equality through institutions of power—getting more women into government, into militaries, as negotiators at peace tables. But what if our path toward gender equality charted a new course and instead centered communities long marginalized at the peripheries of global politics who have created alternative models of coexistence? Such refocusing is not easy, but it may be easier than we think. Activists embedded in subaltern countercultures consistently remind us that calls to revolution are often creatively stunted, and we must instead consider that what the world will become already exists in fragments and pieces, in experiments and possibilities (Gilmore 2020).

A refocus would reject an agenda that reinforces a heteropatriarchal gender order in which efforts to eradicate gender inequality deepen other forms of oppression. A refocus would resoundingly reject anti-feminist calls for women’s inclusion in military structures as a pathway to mitigating the harms of military conquest. A refocus would see rights as a site for deepening struggle and recentering our commitment to a common and shared humanity. A refocus might shift our reliance away from top-down theories of change that seek to dismantle patriarchal dominance but leave militarism and capitalism intact, or those that believe that visions of transformative change should be conceived and enacted by technocrats and politicians rather than by those with lived experiences of oppression. Instead, a refocus would build on the collective power of the subaltern, the peripheralized, to grow movements of people seeking a radical reordering of the status quo.

What should we place at the center of such efforts? Although there is much more to say, this piece first foregrounds the promise and potential of bottom-up movements for gender justice and emancipation. The most promising movements nurture solidarity across racial, political, and class cleavages. Advocates for gender equality must view any project of liberation as incomplete until it includes all those marginalized by existing systems. Similarly, anchored in the idea that no one is free until everyone is free, effective and transformative movements explicitly center the needs and priorities of those most underserved by existing rights frameworks. As Mayo-Adam (2020; see also Adam 2017) demonstrates, movements for justice are most effective when they create coalition unity across multiple fields of fragmentation. However, hierarchy and fragmentation consistently reemerge. Thus, building solidarity and collective power means continually and collectively reevaluating—and undoing—the ways in which new forms of division and power manifest in struggles for justice (Luna et al. 2017, Roberts & Jesudason 2013).

Second, rejecting dominant logics of inclusion requires us to (re)consider the values at the core of our efforts. We posit that the first might be care (Tronto 1993). A focus on care asks us to think in terms of mutuality (Piepzna-Samarasinha 2018). How are all of those in the ecosystem of our environment cared for? If they are not cared for, what alternative infrastructures must be constructed to ensure the community has all it needs to survive? This logic quickly gives way to the idea that care means creating, nurturing, supporting, and loving (Gumbs 2016, Spade 2020). It also invites the creation of infrastructures in which aid, welfare, protection,
and justice are not delivered by systems of “power over” but rather emerge from communities themselves.⁴

Communities grounded in cooperative and counter-hegemonic political organizing, alongside generations of indigenous activists, Afroturists, anarchists, and Black queer feminists, have offered so much to guide this process that should be considered central to the project of women’s equality and power. Such writers and activists urge us to center love and solidarity as core principles of a more equal future, particularly in worlds so embedded with violence. That fact that such scholarship is not essential reading in circles championing women’s rights is an indictment of the field. We invite a new phase in women’s rights advocacy after war that moves beyond the idea of inclusion in oppressive systems as a route to transformation and instead foregrounds a commitment to (re)creating and (re)building in ways that intentionally inhibit the fertilization of oppression in all its forms.

DISCLOSURE STATEMENT

The authors are not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.

ACKNOWLEDGMENTS

The authors are grateful for the thoughtful and incisive feedback provided by Michael McCann and are deeply indebted to our team at the Women’s Rights After War project for their intellectual brilliance, generosity, and ongoing research support. We are also grateful for funding from the National Science Foundation (award no. 1921305) and the Gender, Justice, and Security Hub at the London School of Economics (UKRI GCRF award).

LITERATURE CITED


---

⁴See the Combahee River Collective ([https://combaheerivercollective.weebly.com/](https://combaheerivercollective.weebly.com/)); Indigenous Action ([https://www.indigenousaction.org/](https://www.indigenousaction.org/)); Freetown Christiana (an abandoned military area occupied by a contingent of Denmark’s homeless population in 1971 and founded on principles of mutual aid and nonviolence); many of Europe’s cooperative housing and squatting movements, alongside sister movements elsewhere in the world (Van der Steen et al. 2014, Wall 2017); and the Black Feminist Mind project, among other examples of anarcho-feminist and antimilitarist collectives grounded in efforts to end interlocking oppressions by practicing a politics of community, solidarity, love, and care.


McClintock A. 2013. *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest*. Abingdon, UK: Routledge


Prosecutor v. Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic, Case No. ICTY 96-23-T and IT-96-23/1-T (Feb. 22, 2001)

Prosecutor v. Jean-Paul Akayesu, Case No. ICTR 96-4-T (Sept. 2, 1998)


Tâmale S. 2000. “Point of order, Mr. Speaker”: African women claiming their space in parliament. Gend. Dev. 8(3):8–15


Contents

Law and/or as Civility
Keith J. Bybee ................................................................. 1

Social Theory and Legal Theory: Contemporary Interactions
Roger Cotterrell ............................................................ 15

Hobbling: The Effects of Proactive Policing and Mass Imprisonment
on Children’s Education
Benjamin Justice ............................................................. 31

Governance by Data
Fleur Johns ................................................................. 53

Truth Commission Impact on Policy, Courts, and Society
Onur Bakiner ............................................................... 73

Legal Responsibility Among the Young and the Elderly
Eve M. Brank and Lindsey E. Wylie ................................. 93

Gender Inequalities in Markets
Tamar Kricheli-Katz ...................................................... 109

The Reasonable Person Standard: Psychological and Legal
Perspectives
Mark D. Alicke and Stephanie H. Weigel .......................... 123

Business and Human Rights: Alternative Approaches to
Transnational Regulation
Surya Deva ........................................................................ 139

Protecting Basic Legal Freedoms: International Legal Complexes,
Accountability Devices, and the Deviant Case of China
Terence C. Halliday, Shira Zilberstein, and Wendy Espeland ................................. 159
The Impact of Experienced and Expressed Emotion on Legal Factfinding
Jessica M. Salerno ................................................................. 181

Street-Level Meta-Strategies: Evidence on Restorative Justice and Responsive Regulation
John Braithwaite ........................................................................ 205

Transitional Justice and Property: Inextricably Linked
Helena Alviar García .................................................................... 227

Replicability in Empirical Legal Research
Jason M. Chin and Kathryn Zeiler ............................................. 239

Water Security and International Law
Philippe Cullet, Lovleen Bhullar, and Sujith Koonan ...................... 261

What Is Cultural Cognition, and Why Does It Matter?
Jeffrey J. Rachlinski ..................................................................... 277

Contract Schemas
Roseanna Sommers ...................................................................... 293

Algorithms and Decision-Making in the Public Sector
Karen Lezy, Kyla E. Chasalow, and Sarah Riley .............................. 309

Parole Board Decision Making and Constitutional Rights
Amelia Courtney Hritz .............................................................. 335

Infrastructures and Laws: Publics and Publicness
Benedict Kingbury and Nahuel Maisley ....................................... 353

Advancing Socioeconomic Rights Through Interdisciplinary Factfinding: Opportunities and Challenges
Sarah Knuckey, Joshua D. Fisher, Amanda M. Klasing, Tess Russo, and Margaret L. Satterthwaite ................................. 375

Philanthrocapitalism and the Separation of Powers
Linsey McGerty ........................................................................... 391

 Constitutional Dictatorships, from Colonialism to COVID-19
Jens Meierhenrich .......................................................................... 411

Black Lives Matter in Historical Perspective
Megan Ming Francis and Leah Wright-Rigueur .............................. 441

Women’s Rights After War: On Gender Interventions and Enduring Hierarchies
Marie E. Berry and Milli Lake ..................................................... 459
On the Interdependence of Liberal and Illiberal/Authoritarian Legal Forms in Racial Capitalist Regimes...The Case of the United States

Michael McCann and Filiz Kahraman ................................................................. 483

Indexes

Cumulative Index of Contributing Authors, Volumes 1–17 ........................... 505
Cumulative Index of Article Titles, Volumes 1–17 ........................................... 510

Errata

An online log of corrections to Annual Review of Law and Social Science articles may be found at http://www.annualreviews.org/errata/lawsocsci