

Abstract

Feminist Legal Theory in the Context of International Conflict

Recently, feminists have begun to pay attention to some of the post-conflict remedies that are being used as countries emerge from a period of violence—specifically, they are looking at international tribunals and truth commission reports. When viewed through the lens of gender, these seemingly useful post-conflict remedies are revealed to operate somewhat differently for women and men, and to be sometimes problematic and less than useful for the women they are designed to help.

Thus, activists are recommending some changes and adjustments to the procedures, using some of the feminist theories that have informed activism in the domestic arena. For example, autonomy theory, with all its problems and nuances, can be brought to bear on the situation of a sexually-violated woman who wants redress, but who is vulnerable and may be made even more vulnerable by normal justice procedures.

Feminist activism has even become visible in the working of some of these post-conflict processes. For example, the Valech Report in Chile, published just two years ago and focusing on victims of torture (who had been left out of the earlier Chilean Truth and Reconciliation Report), specifically refers to parts of the Beijing proposals and demonstrates an increased awareness of the sensitivities of women who have been sexually violated.

I propose to discuss the problems confronting women in the international context of post-conflict remedies, especially for sexual violence. I will analyze this problems using feminist legal theory to show how these theories, supplely used, can help to advance the cause of justice for women in the international arena. At the same time, testing these theories in the international arena challenges some of their presumptions and compels feminist activists to be willing to modify methodology.

Submitted by:

Teresa Godwin Phelps
Professor of Law
American University
Washington College of Law
4801 Massachusetts Ave. NW
Washington, DC 20016
tphelps@wcl.american.edu
(202) 274-4284