

practitioners of both peacebuilding and transitional justice have begun to recognize that the needs of women and girls have been dealt with inadequately. This volume, edited by Ruth Rubio-Marín, a foremost expert on gender and reparations, promises to fill a critical gap, with three categories of contributions considering, as the title indicates, ‘the gender of reparations’.² The first set of chapters examines the ways in which violations during violent conflict are gendered, targeting or incidentally affecting women and girls, but also in some cases specifically designed to emasculate men and boys. The second set of chapters considers the ways in which reparations programmes have to date failed to address the range of harms suffered, largely by females, from such violations. Finally, several of the contributions seek to offer specific recommendations for reparations programmes, including microfinance and symbolic recognition, which could better respond to those harms.

Many of the contributions explore in detail the range of sexual and gender based violence (SGBV) which occurs in many armed conflicts, disproportionately targeting women and girls. These are well-known and need not be addressed in great detail here, and include rape, sexual slavery, forced pregnancy, and sterilization. Such violations have been found to be genocide and crimes against humanity by international or internationalized criminal

Ruth Rubio-Marín (ed.), ***The Gender of Reparations. Unsettling Sexual Hierarchies while Redressing Human Rights Violations***. Cambridge: Cambridge University Press, 2009. Pp. 416. \$99. ISBN 9780521517928.

Reparations are increasingly being offered, or at least recommended, in transitional justice processes, and the literature examining them has grown concomitantly.¹ At the same time,

¹ P. de Greiff (ed.), *The Handbook of Reparations* (2006); *Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and*

Serious Violations of International Humanitarian Law, UN Doc A/RES/60/147 (21 Mar. 2006); J. Elster (ed.), *Retribution and Reparation in the Transition to Democracy* (2006); J. Miller and R. Kumar (eds), *Reparations: Interdisciplinary Inquiries* (2007); Laplante and Theidon, ‘Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru’, 29 *Human Rights Q* (2007) 228; David and Yuk-Ping, ‘Victims on Transitional Justice: Lessons from the Reparation of Human Rights Abuses in the Czech Republic’, 27 *Human Rights Q* (2005) 392.

² See also R. Rubio-Marín, *What Happened to the Women? Gender and Reparations for Human Rights Violations* (2006).

courts. However, criminal prosecutions alone cannot address the harm inflicted on victims of SGBV, who may experience enduring damage both physically and psychologically, and be ostracized or punished by family and community. Reparations programmes may provide for both the moral and material needs of victims.

However, while SGBV is perhaps the most-discussed gender dimension of rights violations during and after violent conflict, there are other aspects of gender-related harms which may also have long-term effects once the conflict has ended, as several of the contributors to the volume observe. These include the likelihood that women will experience indirect as well as direct harms. They may lose the means of support for themselves and their families where male relatives are killed or rendered unable to work by conflict, particularly in societies where opportunities for women in the workplace are limited. They may also become carers to the injured, and thus unable to work. In countries where they are denied property and inheritance rights, they may also lose their homes if male relatives who owned them have been killed, or be unable to acquire another home where they have been displaced. The damage is not only material, but also moral: women may be stigmatized where male relations have been killed as somehow complicit in others' 'deserved' victimhood, and emotionally damaged by the burden of the loss of relatives and caring for survivors.

Despite the significant contributions of the volume, areas where the studies might have been more detailed can be identified. While many of the chapters make the crucial point that the gender dimension of harms is not limited to SGBV, most do not discuss this in great detail, nor do they consider the ways in which reparations might be tailored to respond to these. In particular, where women are denied land ownership, inheritance, or employment, how can reparations programmes provide for their well-being? As the chapter by Colleen Duggan and Ruth Jacobson points out, '[i]t would indeed be ironic if, after years of struggle to give adequate recognition to the

multiple expressions of gender-based violence that accompany conflict and mass atrocity, women's heavy economic and material losses were to be overshadowed by the more visible realities of mass rape, sexualized torture, mutilation, and sexual enslavement' (at 122). This is indeed a critical point, and one which the book might have addressed in more detail, particularly in the chapters dealing with modes of reparations which might be more gender-sensitive.

As several authors note, simply seeking to repair, in the sense of seeking a return to something like the *status quo ante*, is not an appealing solution where women were seriously disadvantaged prior to the conflict. Distinct modes of providing reparations may be particularly essential where being made to females, given that cash payouts to women and girls are frequently spent on the care of others, paying down debts, or simply taken by family members, such as husbands or fathers. One alternative might be to provide reparations which are not cash and which benefit communities rather than individual victims. However, while such collective reparations may have their virtues, they may in the process fail to acknowledge individual victimhood.

Surprisingly, few of the chapters directly address the possibility that available forms of reparations such as individual or collective compensation or symbolic reparations such as apologies and memorials cannot truly repair victims of gross violations such as SGBV. This is of course not an argument against providing reparations, or against seeking to refine them in ways which better meet the needs of specific types of victims, but rather to acknowledge, as many victims themselves will say, that no measure can eliminate the harm that was inflicted upon them. Nonetheless, as the chapter by Anita Bernstein suggests, while truth-telling and compensation are each alone insufficient, together they can support more genuine reparation. She argues specifically that compensation through microfinance and shareholding, rather than quick compensation, can both serve as reparation for harm and ameliorate prior economic injustices against women.

Several of the chapters, as well as the editor's introduction, refer to the need for victims' rights as citizens to be vindicated, and the importance of state recognition of the harm done to them by the state. This is certainly a valid point, particularly where there is evident state responsibility for violations. However, at least two lacunae may result from this legal approach. First, who should provide reparations where the violence was inflicted, as it so frequently is in internal armed conflict, by non-state actors? Obviously, in some instances such actors can be compelled to provide reparations, as is the case with paramilitaries in Colombia. In other circumstances, however, can or will cash-poor post-conflict states provide reparations for victims of their own adversaries? Further, in conflict-affected countries many victims may be refugees, or for other reasons not be citizens of the state in which they are harmed. In such cases, it cannot be their rights as citizens that are being vindicated and, again, states with limited resources may not choose to provide reparations to non-citizens.

Perhaps the greatest innovation of the volume is Rubio-Marín's addition to the taxonomy of reparations developed by de Greiff in his groundbreaking handbook. De Greiff's taxonomy of reparations identifies key dimensions of reparations programmes. These are: scope, completeness, comprehensiveness, internal and external integrity or coherence, finality, and munificence.³ Rubio-Marín adds 'transformative potential' and 'openness'. Openness refers to the degree to which victims and victims' groups can participate in the design of a reparations programme; a more open process may in itself reinforce their status as active citizens recognized by the state. Transformative potential refers to the degree to which a reparations programme can subvert existing gender hierarchies, rather than reinforce them. The idea of transformative potential, which is reflected

in proposals for the use of microfinance and other measures not simply to seek to 'repair', but to redress broader social injustices, is perhaps the greatest contribution of the volume, and one which those contemplating future reparations programmes ought to take into account.

Individual Contributions

Ruth Rubio-Marín, Introduction: A Gender and Reparations Taxonomy;

Margaret Urban Walker, Gender and Violence in Focus: A Background for Gender Justice in Reparations;

Ruth Rubio-Marín, The Gender of Reparations in Transitional Societies;
Colleen Duggan and Ruth Jacobson,
Reparation of Sexual and Reproductive
Violence: Moving from Codification to
Implementation;

Dyan Mazurana and Khristopher Carlson,
Reparations as a Means for Recognizing
and Addressing Crimes and Grave Rights
Violations against Girls and Boys during
Situations of Armed Conflict and under
Authoritarian and Dictatorial Regimes;

*Ruth Rubio-Marín, Clara Sandoval, and
Catalina Díaz*, Repairing Family Members:
Gross Human Rights Violations and
Communities of Harm;

Anita Bernstein, Tort Theory,
Microfinance, and Gender Equality
Convergent in Pecuniary Reparations;
Brandon Hamber and Ingrid Palmary,
Gender, Memorialization, and Symbolic
Reparations;

Ruth Rubio-Marín, Gender and Collective
Reparations in the Aftermath of Conflict
and Political Repression

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³ de Greiff, "Introduction," in de Greiff, ed., *The handbook of reparations* pp. 6–13.