

# Goldsmiths Research Online

*Goldsmiths Research Online (GRO)  
is the institutional research repository for  
Goldsmiths, University of London*

## Citation

Campbell, Kirsten. 2018. Producing Knowledge in the Field of Sexual Violence in Armed Conflict Research: Objects, Methods, Politics, and Gender Justice Methodology. *Social Politics: International Studies in Gender, State & Society*, 25(4), pp. 469-495. ISSN 1072-4745 [Article]

## Persistent URL

<https://research.gold.ac.uk/id/eprint/25404/>

## Versions

The version presented here may differ from the published, performed or presented work. Please go to the persistent GRO record above for more information.

If you believe that any material held in the repository infringes copyright law, please contact the Repository Team at Goldsmiths, University of London via the following email address: [gro@gold.ac.uk](mailto:gro@gold.ac.uk).

The item will be removed from the repository while any claim is being investigated. For more information, please contact the GRO team: [gro@gold.ac.uk](mailto:gro@gold.ac.uk)

# **Producing Knowledge in the Field of Sexual Violence in Armed Conflict Research: Objects, Methods, Politics, and Gender Justice Methodology**

Kirsten Campbell

Department of Sociology, Goldsmiths College, University of London, London, UK

k.campbell@gold.ac.uk

## **Introduction**

Over the last twenty years, conflict-related sexual violence has emerged from “silence and neglect” to become a conspicuous concern of academics, activists, and practitioners (Baaz and Stern 2014, 584). With over 470 articles published since 2017, “conflict-related sexual violence” has now become a highly visible research field. However, fundamental conceptual and political problems are also increasingly visible in the field. As Doris Buss describes, these problems represent the “limits of visibility” of current approaches to sexual violence. Buss (2014b, 15) argues that “the limitations in what has been made visible should refocus our attention on what we know, how we know, who knows, and what we still need to know about women, conflict and sexual violence.” We should now, she suggests, turn our attention to knowledge and knowledge production in this field.

This paper takes up this challenge by analyzing key problems in the field of conflict-related sexual violence research, and outlining a new gender justice methodology. It first examines

key debates in researching conflict-related sexual violence. This paper identifies three key ontological, epistemological, and axiological problems in the field, which concern (1) the object and subject of research, (2) models of knowing, and (3) values in research. This paper then outlines the “Gender Justice Methodology,” which offers new methodological strategies that can address these problems. It explores the challenges and solutions of developing this methodology both to help inform other researchers working on conflict-related sexual violence and conflict research more generally, and to contribute to developing methodological approaches for understanding the gendered nature of conflict and justice.

## **Current Challenges in Knowledge Production in the Field of Conflict-Related Sexual Violence**

To identify current challenges in knowledge production, this paper analyzes research on conflict-related sexual violence as a “field of knowledge.” A field of knowledge is a set of theoretical and political positions formed around the investigation of an object of knowledge. The debates concerning these positions constitute this field, and show the conceptual and political problems structuring knowledge production (Campbell 2004). The analysis of these debates builds on key review essays of research directions and gaps in the field, including Baaz and Stern (2014), Buss (2014b), Cohen, Hoover Green, and Wood (2013), Houge (2015), Ní Aoláin (2014), and Wood (2014). These reviews were written at the time of the rapid expansion of publications in this area and their analysis has been borne out in subsequent research trends.

### **Defining the Object of the Field**

The first key debate concerns how to conceptualize conflict-related sexual violence as an object of investigation. The changing and diverse nomenclature used to describe this object is indicative of this ongoing debate. The increasing use of “conflict-related sexual violence” reflects the introduction of this term by the Women, Peace, and Security programs of 2000 onwards, and the agreed United Nations system working definition of Resolution 1820 (2008). It is a broader term than “sexual violence in armed conflict,” which reflects earlier legal frameworks of international humanitarian law. However, these terms are often used interchangeably in the literature. For example, the key review essays use “sexualized war violence” (Houge 2015), “wartime rape” (Baaz and Stern 2014), and “sexual violence in conflict” (Buss 2014b) variously throughout. Hoover Green (2012) and Leiby (2012) show how this inconsistency poses considerable difficulties for generalization within and between empirical studies, for aggregation of data from different methods of data collection, and for comparison between studies. However, it also reflects different understandings of sexual violence in national legal and social norms (Campbell 2016; Leiby 2012). These express fundamental conceptual differences, rather than mere definitional disagreement. While there is extensive feminist exploration of concepts of conflict-related sexual violence (see most recently Baaz and Stern 2014 and Meger 2016), the concepts of sex, violence, and conflict that underlie current understandings of conflict-related sexual violence are generally under-theorized in recent literature in the field. Because the conceptualization of conflict-related sexual violence is theoretically underdeveloped, definitional issues continue to remain a fundamental challenge in the field (Houge 2015, 80).

To resolve these definitional difficulties, international criminal law definitions “have become guiding for many scholars within and outside legal discourse” (Houge 2015, 81). An influential example is the work of Elisabeth Wood. Her recent work looks to the International

Criminal Court (ICC) to define sexual violence as a category of prohibited acts (Wood 2014, 459), while her earlier work takes its definition of rape from the “international criminal tribunals” (Wood 2006, 308). In this approach, “international law” appears to establish a consensus concerning the definition of conflict-related sexual violence.

However, the use of legal definitions raises two further issues. The first is that the ICC does not provide an internationally accepted legal definition as such. These definitions are not settled with ICC jurisprudence, which differs from the earlier international criminal tribunals. Moreover, the Rome Statute should not be considered as reflecting the legal norms of international customary law, and there are clear differences in definitions of sexual violence as an international crime in national legal regimes. For these reasons, international criminal law does not resolve the definitional issue without further conceptual development. The second issue is that definitions of sexual violence offences under international criminal law carry with them particular ideas of sexual violence, armed conflict, and armed organizations. For example, Wood’s earlier definition of rape refers to “force,” which international criminal jurisprudence explicitly rejects as an element of rape because of the coercive contexts of conflict. This is not only a question of legal semantics, but also of the conceptual framing of rape in war. In the legal frame, “wartime rape is treated as already occurring in a state of coercion, marked by military force” (Baaz and Stern 2018, 13). Accordingly, building more precise definitions is important but insufficient to address the challenge of developing an adequate concept of the object of investigation. Rather, to meet this challenge requires further engagement with the conceptual frameworks that inform definitions of “conflict-related sexual violence.” How, then, do we construct a more adequate concept of conflict-related sexual violence?

## **The Ontological Challenge: Victims, Perpetrators, and Conflicts as Subjects of the Field**

The second key debate concerns victims, perpetrators, and conflicts, and has dominated recent scholarship. The debate concerns two related arguments. The first argument contends that conflict-related sexual violence research has focused upon female victims and male perpetrators, with a related neglect of female perpetrators and male victims (Baaz and Stern 2014, 596; Buss 2014b, 13; Houge 2015, 80-81). The second argument contends that conflict-related sexual violence research has focused upon highly visible conflicts in Rwanda, Yugoslavia, or, more recently, “Africa” (Baaz and Stern 2014, 592, 84; Buss 2014b, 3; Houge 2015). While Baaz, Stern, and Buss situate their discussion in feminist debates concerning the politics of knowledge, more recent scholarship describes these positions as “misconceptions” in the field, which assume that perpetrators are always men, victims are always female, and that sexual violence is a problem of “African” or “ethnic” wars (Cohen, Hoover Green, and Wood 2013, 3, 4, 7).

To resolve these “misconceptions,” two key and related positions emerge within the current literature. The first focuses on “missing” subjects of the field, such as male victims (for example, Touquet and Gorris 2016; Zalewski et al. 2018), or female perpetrators (Hodgson 2017; Smeulers 2015). However, this issue cannot be adequately addressed by simply adding more categories of persons and conflicts. This is because such an approach assumes particular social ontologies, in that it presumes certain categories of persons (positions of social identity) and conflict (forms of collective violence). However, Dubravka Zarkov (2014, 8) reminds us that these categories of “person” and “conflict” are a product of social histories and politics, rather than given or fixed. For this reason, it is necessary to consider how armed violence itself can also produce or fix these categories. For example, adding “female

perpetrators” or “male victims” to our analysis does little to illuminate our understanding of conflict-related sexual violence unless it also addresses the importance of *gender relations* for understanding how war is fought, who fights, and who is “targeted” (Chinkin and Charlesworth 2006). As Buss (2014b, 6) describes, asking “where are the women?” remains an important question because it can unsettle “why and how some subjects and actions are visible,” and offer new understandings of the social relations of war. The crucial issue is not only how to include “invisible” subjects and actions, but also how to explain the social and political constitution of those categories of “identity” and “conflict” that make certain subjects and violence visible and others unseen.

The second position argues that it necessary to move away from “a-typical” “high prevalence” cases, such as Rwanda and Yugoslavia, which it claims led to the problematic idea of rape as a weapon of war (Baaz and Stern 2014, 593; Cohen, Hoover Green, and Wood 2013, 2). Instead, it argues that research should examine variations of patterns of sexual violence within, and between, conflicts (for example, see Kirby 2013). There have been long-standing feminist debates concerning different forms of conflict-related sexual violence, and earlier work on patterns of sexual violence built upon these debates (see Campbell 2007). However, there is now a wider engagement in the field with ideas of variation in patterns of conflict-related sexual violence, led by Elisabeth Wood (2006). This turn to the idea of patterns has been an important development in the field, as it enables greater complexity in accounts of sexual violence within and between conflicts.

However, the concept of “pattern” of conflict-related sexual violence also requires further development in three key areas. Firstly, the concept carries different meanings in disciplines within the field. For example, in law the term refers to a legally significant “aggregate of

multiple incidents” (e.g. [Aranburu 2010](#)), while in political science it refers to statistically significant relationships between variables (e.g. [Cohen 2013](#)), or typologies of violence (e.g. [Wood 2014](#)). What multidisciplinary concepts of “patterns” of conflict-related sexual violence can be developed for the field? Secondly, as [Wood and Gutierrez-Sanin \(2017\)](#) suggest, stronger accounts of patterns of armed violence within and between conflicts are required. For example, single homogenous characteristics describing types of war (e.g. “civil war” or “ethnic war”), or actors (e.g. “state” or “rebel” actors), do not sufficiently capture the qualitatively differentiated patterns of armed violence, perpetrators, victims, and conflict contexts of sexual violence (for an example of this typology, see [Cohen and Norda’s 2014](#)). How do we better capture patterns of *conflict*-related sexual violence? Lastly, a fuller account of the gendered relationship between patterns of conflict and patterns of sexual violence is needed. This “relationship” is increasingly formulated in terms of statistically significant correlation, which argues that gender inequalities or norms are not “statistically associated” with variation in conflict-related sexual violence (see, for example, [Cohen and Norda’s 2014](#), 12; [Wood 2014](#), 464).

However, because this approach treats “gender” as an isolated single statistical variable, it does not adequately capture “gendered structural inequalities, institutions, and identities” that are integral to different patterns of conflict and explanations of sexual violence ([Davies and True 2015a](#), 13). As a result, it does not address the relationship between sexual violence and other gendered harms in conflict, and between gender harms in conflict and in peace. How do we account for the gendered relationship between patterns of conflict and patterns of conflict-related sexual violence?

### **The Epistemological Challenge: Methodologies and Methods**



The third key debate in the field concerns appropriate fact-finding, methods, and methodologies (Buss 2014b; Ní Aoláin 2014). This debate has arisen with the apparent shift “from qualitative feminist analyses to large-N statistics” (Houge 2015, 83), and the increasing use of comparative and quantitative methods (see Bijleveld et al 2009). These positivist approaches claim to provide (more) reliable, objective, and useful findings on conflict-related sexual violence (see, for example, Cohen, Hoover Green, and Wood 2013).

However, such positivist approaches do not necessarily resolve the methodological challenge of “fact-finding” in this field. While qualitative researchers have long acknowledged this difficulty, quantitative and comparative methods confront particular methodological issues in this field, including unreliability of primary data, over-reliance on derivative data, incomplete reporting and data collection, and over-interpretation of data (see Boesten 2017; Davies and True 2015b; Houge 2015; Ní Aoláin 2014). Scholars working in this positivist tradition acknowledge these problems, and increasingly use mixed method studies (see Cohen 2016; Hoover Green 2018). However, these approaches also confront the limits of positivist research models and empiricist methodologies in this field. The first example of these limits is the “politicised context of sexual violence reporting and data collection on the ground” (Davies and True 2015a, 176, 2017). This context includes patriarchal cultures and institutions (long recognized by feminist scholars working in domestic jurisdictions), as well as the vulnerability of targeted groups (for discussion, see Boesten 2017; Davies and True 2015b). The second example concerns the problem of “data in conflict.” During conflict, truth claims concerning sexual violence are frequently highly contested and evidentially underdetermined. In post-conflict settings, these claims may also become re politicized in battles for resources, accountability, and political mobilization. For these reasons, it has long

been recognized that data collection and analysis pose considerable challenges for fact finding in and after conflict (see [Campbell 2017](#); [Davies and True 2017](#)). Accordingly, discussion of methods and research design is crucial, but insufficient in resolving the challenge of fact-finding in this field. Instead, this challenge requires further reflection on the theories of knowledge that inform method and methodological choices.

The question of how to build methodologies and methods appropriate to this interdisciplinary field is yet to be fully addressed at this epistemological level. While there are increasing demands for better and more data, nevertheless a “data demand culture” does not “point the way towards *data quality* (what standards should be applied and to what ends the data will be used)” (Ní Aoláin 2014, 10–11). These questions of data quality require reflection upon epistemic practices and norms, as well as the purposes of data generation. To generate stronger truth claims requires addressing the interlinked questions of method (“techniques for gathering evidence”), methodology (“a theory and analysis of how research does or should proceed”), and epistemology (“a theory of knowledge ... that answers questions about who can be a knower ... what tests beliefs must pass in order to be legitimated as knowledge ... and what kinds of things can be known”) ([Harding 1986](#), 3).

It requires not only addressing the limitations of our methods and methodologies, but also examining the epistemological models that inform them. To “know well” is to be responsible for our epistemic practices, so that we reflect on our regulative standards of knowledge and generate well-warranted claims ([Code 1987](#), 10). What epistemic norms and theories should be developed for this multidisciplinary field? And how to develop epistemic accountability in knowledge production?

## The Axiological Challenge: Values, Ethics, and Politics

The third key debate concerns the use of gender and feminism as analytic categories (Baaz and Stern 2014; Houge 2015; Wood 2014). Two influential positions have emerged within the current literature. The first argues that feminist approaches trap thinking about conflict-related sexual violence in a reductionist focus on women (as victims) (see, for example, Dolan 2018). The second position argues that gender is not a relevant analytic category, because conflict-related sexual violence is not explained by gender inequality or patriarchal norms (for example, Wood and Cohen discussed above). Despite their different focus, both these positions argue that feminist analyses of “gender” are not relevant to understanding conflict-related sexual violence. However, this argument produces two theoretical and political issues for the further development of the research field.

At a theoretical level, further engagement with gender as a concept and analytic category in current research is necessary. For example, the current literature on variation of sexual violence in conflict typically reduces the concept of “gender” to “gender inequality” (see, for example, Cohen 2016, 53; Wood 2006, 325). As a result, this approach cannot provide the gender analysis necessary to understand conflict-related sexual violence (Davies and True 2015b, 167).

Because of this lack of engagement with gender as an analytic category, this approach does not sufficiently address crucial questions of how wars are gendered (who fights, how, and why); how sexual violence is gendered (who does what to whom); and why sexual violence occurs before, during, and after conflict (why *sexual* violence). To develop gender as an analytic category requires further engagement with “how gender operates as an axis of power in social, political, and economic life” (Meger 2018, 118), and, accordingly, further engagement with the existing

feminist literature that has already undertaken this work.

At a political level, given that the politics of gender is integrally tied to the politics of power, failing to critically address gender in effect “depoliticizes” accounts of sexual violence. By depoliticizing gender analysis, it becomes more difficult to produce a reflexive account of how social and political values inform both one’s own research and research in the field more generally. Feminist theorists have called attention to the current political context of new funding, increased academic respectability, and policy attention that has framed the emergence of this field of research (Buss 2014b). These political and material conditions of knowledge production are linked to the “securitization” of conflict-related sexual violence, which frames conflict related sexual violence in terms of threats to state security - whether at the national or international level (Meger 2016, 2). However, this context can also capture knowledge production in wider networks of geo political state interest, so that “our analyses and actions become crucial justificatory elements of hegemonic national and international political, military and legal interventions” (Ní Aoláin 2014; Zarkov 2016, 121).

This context of securitization forms a further and fundamental axiological problem within the field. This is the key and acute challenge of developing emancipatory accounts of justice that are not caught in this neoliberal politics of securitization (Buss 2014b; Ní Aoláin 2014; Zarkov 2016). For example, Janet Halley characterizes international legal feminism as a “governance feminism,” which is captured by the “carceral vision” of neoliberal governance (Halley 2008). However, the empirical and legal inaccuracy of this analysis makes it unhelpful in thinking through this issue (see Gardam 2013; Farley 2010). The challenge of developing emancipatory ideas of justice is made more difficult by the surprisingly few in-depth or comprehensive studies of alternative justice mechanisms, (such as women’s courts

or tribunals), or formal legal justice (such as positive law, criminal trials, or legal institutions). Despite the extensive literature on international criminalization, only three book-length studies have been published on justice for conflict-related sexual violence between 2014 and 2017 (see [Boesten 2014](#); [Brammertz and Jarvis 2016](#); [Zawati and Doherty 2015](#)). However, there has also been an important set of arguments emerging around transformative gender justice, which seek to situate justice for conflict-related sexual violence in wider transformations of hierarchical gendered relations (see [Boesten and Wilding 2015](#); [Ní Aoláin, Haynes, and Cahn 2011](#); [O'Rourke 2013](#); [Swaine 2018](#)). These arguments offer a different frame for engaging with these questions of justice.

The issue of values cannot be avoided in this field. The emergence of “conflict-related sexual violence” as an object of study reflects particular values, as it reflects the idea that this violence is a social problem that should be studied. As Sandra [Harding \(1986, 22\)](#) points out, “deciding what phenomena in the world need explanation, and defining what is problematic about them” always involves cultural and social values. Ideas of epistemic value, such as objectivity or bias, also inform the basis on which we choose particular methods or methodologies. Ethical values also configure how we investigate so-called “sensitive research,” particularly given the sensitivity of sexual violence and conflict contexts. Finally, political values also shape this work, whether because we seek to intervene in a highly politicized field, aspire for our work to provide a sound “evidence base” for better policies, or have wider commitments to a more just world. How, then, do we provide a reflexive account of the values that inform knowledge production in this field?

## **Building New Models of Knowledge Production: The Gender Justice Methodology**

These problems in knowledge production in the field cannot be resolved by simply developing “better” research techniques that can establish correlation and causation, or by providing richer thicker descriptions of “everyday” life. While developing better methods is crucial for this field, it does not address the more fundamental issue of how to develop methodological approaches that do not reproduce existing ontological, epistemological, and axiological problems in the field. To avoid reproducing these problems, it is necessary to move from the critique of existing knowledge production (a “deconstructive” epistemic project) to building new models of knowledge (a “reconstructive” epistemic project). The reconstructive project involves building methodologies that construct new ontic, epistemic, and ethical ways of knowing. How do commitments to social justice and transformation in form the epistemic practices that we use? What are the appropriate epistemic norms for evaluating knowledge claims? How do we include the ethical values of responsibility and reflexivity in the methodologies and methods that we apply?

To explore these questions, the next section provides a reflexive account of the Gender Justice Methodology (“GoJ Methodology”) in the Gender of Justice research project (“GoJ project”). This account provides an example of building a reconstructive epistemic model in the context of an empirical research project, so that other researchers can consider the challenges of, and possible strategies for, undertaking similar reconstructive work in the field. The discussion begins by explaining the model of feminist epistemic accountability that was the basis for developing the GoJ Methodology. It then sets out the analytic framework of the GoJ Methodology, explaining the concept building that was essential for developing this methodology. Next, it explains the methodological framework, giving key examples showing how this framework guided research design and choice of methods. This discussion also

shows how the GoJ Methodology can be used as the basis for developing methodologies in other studies of conflict-related sexual violence, and, more broadly, other forms of gender harms and justice in different conflicts and domains.

### **The Challenge of Building a Gender Justice Methodology**

The GoJ Methodology was developed as part of the five-year research project, “The Gender of Justice”, which was funded by the European Research Council. The project studies the “gender” of international justice for sexual violence in armed conflict, asking (1) How do we understand sexual violence in armed conflict as a gendered harm? (2) How does “gender” shape international criminal justice?, and (3) What is “gender justice”?

The development of the “Gender Justice Methodology” began by building upon feminist epistemological theory. Feminist epistemologies offer a powerful critical and reconstructive approach to producing new forms of knowledge (see [Campbell 2004](#) for further discussion). This approach makes explicit the models of the subject (ontology), knowing (epistemology), and politics (axiology) that inform our truth-claims in order to critically engage with how these categories shape what and how we know. Importantly, it shows how the transformative values of feminist movements can inform new models of epistemic practice. An important element of this reconstructive project is the feminist epistemological model of “epistemic accountability.” Ethical accountability is the responsibility to “know well” ([Code 1987](#), 10), and requires “transformative responsibility, and responsive epistemic practices” in knowledge production ([Code 2006](#), xi).

Building on this approach, the GoJ project’s model of feminist epistemic account ability has

two interrelated elements of political responsibility and epistemic responsibility. The first element is political responsibility to transformative feminist values. This element acknowledges the responsibility of the knower for their political values, and incorporates feminist values into knowledge production. In its deconstructive form, this political responsibility seeks to acknowledge the positions of the researcher and the researched in differentiated power structures at “local” and global levels. It requires that knowers critically examine, and be responsible for, “the origins or consequences of their problematics or practice or with the social values and interests that these problematics and practices support” (Harding 2004, 137). This involves the knower acknowledging their situated epistemic standpoint, and taking responsibility for the impact and values of their research (Haraway 1997, 191). In its reconstructive mode, political responsibility for our knowledge practices involves examining how they contribute to an emancipatory politics. It entails that the knower is accountable to feminist emancipatory politics in their epistemic practices. This approach figures “feminist politics” not as a pre-given ethical value, but as a set of values emerging from collective feminist struggles. This political standpoint is not achieved by an individual scholar, but is the outcome of a “collective critical take” that involves political engagement, debate, and action. For this reason, it requires building relationships of accountability through “webs of connection called solidarity in politics and shared conversations in epistemology” (Haraway 1991, 191).

The second element of this model is epistemic responsibility to regulatory standards of knowledge, and involves reflecting upon the values that inform epistemic practices. To “know well” is to be responsible for our epistemic practices, such that we reflect on our regulative standards of knowledge and generate well-warranted claims. Epistemic judgments (what and how we know) always involve normative judgments (what and how we should



know). It understands knowledge-claims as epistemic practices that are regulated by communities of knowers, in which those practices reflect the values of that epistemic community concerning the most appropriate methods of inquiry and justification of knowledge. Helen Longino argues that “[t]he complete set of regulative standards, inclusive of theoretical virtues, guiding a community’s epistemic practices could be called its epistemology.” These regulative standards are the normative criteria by which members of the community of inquiry determine which practices “will advance our cognitive aims” and political goals (Longino 1997, 33–34). These are the epistemic values of the research field. Accordingly, developing data quality involves “knowing well,” since it requires reflexivity about, and responsibility for, the epistemic values of research. This epistemic accountability involves asking how the transformative values of social justice shape which normative epistemic standards research will use, and how the knowledge that is generated will be applied. To answer these questions requires explicitly examining the values that inform our theory of how research should proceed (methodology), and our choice of techniques of evidence gathering (method) (Harding 1986, 2). So, for example, Helen Longino (1997, 21) identifies “feminist cognitive values” as including “empirical adequacy, novelty, ontological heterogeneity, mutuality of interaction, applicability to human needs, and decentralization of power or universal empowerment.” This approach to values in knowledge production provides an important model of reflexive and responsible epistemic practice.

### **Epistemic Accountability: Choosing the Research Problem, the Object of Research, and Research Design**

The GoJ project chose to study “gender justice” because of the need for systematic and empirical study of conflict-related sexual violence and justice. The project used a mixed-

method case study of patterns of conflict-related sexual violence, and the formal and informal justice practices seeking to address these crimes in the former Yugoslavia, focusing on Bosnia and Herzegovina (BiH) as the “most affected country.” This case study was chosen because of the significance of gender-based harms in the wars in this region; extensive international and national prosecutions of these crimes, and significant transitional justice programs in BiH. While the former Yugoslavia can be considered an “over-researched” region, more in-depth and sustained research in this area was important. The GoJ project is the first and only systematic empirical study of patterns of sexual violence in the conflict in the former Yugoslavia, as well as of formal and informal justice practices used to address these crimes. Ultimately, the research aimed to contribute to a fuller understanding of these crimes and justice processes, which could then be used to develop better justice mechanisms and processes in the former Yugoslavia as well as other post-conflict countries.

Because epistemic accountability framed the project, two evident issues of epistemic values emerged when starting to develop the GoJ Methodology. First, the methodology had to address the specific challenges of undertaking so called “sensitive research” on sexual violence in post-conflict contexts (see [Campbell 2017](#)). This included acknowledging that the research was situated in the former Yugoslavia, and had potential social and political impact at national and international levels. Second, to ensure the quality of the research across this complex case study, it was necessary to use a methodology that could integrate multidisciplinary methods from law, political science, sociology, and history; and mixed methods that could provide legal analysis, socio-legal methods, and qualitative and quantitative social research methods.

To address these issues, it was necessary to develop strategies to integrate epistemic

accountability into the project's research design. For example, the first strategy was the decision not to use sexual violence survivors as key respondents. This is because these victims have become "over-researched," with the resulting burden upon research participants and related distrust of researchers (Pittaway et al 2010, 236; see also Boesten and Henry, this issue). Rather, the project engaged with key groups working with these survivors. The second strategy was to engage with the potential impact of the research by engaging in ongoing collaboration and consultation with key informants, practitioners, and advocacy groups. The third strategy was to build a multi disciplinary team of highly skilled researchers and collaborators who had significant regional knowledge, research experience, and disciplinary expertise. The ongoing reflexive dialogues within the core team of Elma Demir, Jasenka Ferizović, Gorana Mlinarević and Maria O'Reilly have been integral to the development of the GoJ Methodology.

This model of epistemic accountability framed the project's research design, and was the basis for the development of the GoJ Methodology. Developing the GoJ Methodology involved two important steps. The first step was to build the analytic framework of the GoJ Methodology. Building the analytic framework involved identifying the object of knowledge and the key concepts necessary to investigate it, and then undertaking the concept building necessary to undertake the analysis. The second step was to develop a methodological framework, building on these key concepts. This involved developing a mixed-method interdisciplinary methodology that could address the different kinds of practices that are being investigated, ranging from practices of sexual violence in war to practices of sexual violence prosecutions. This methodology also needed to integrate the different methods appropriate to the areas being researched, ranging from the evaluation of primary historical sources to the doctrinal analysis of international criminal law.

## **The Analytic Framework of the Gender Justice Methodology**

The first step in developing the GoJ Methodology was constructing the key concepts of analysis, with the aim of building more adequate concepts of conflict-related sexual violence, gender, gender-based harm, and gender justice. This concept building is crucial to developing new knowledges, as our conceptual frameworks fundamentally inform how we understand the object of investigation and how we will investigate it.

*The concept of conflict-related sexual violence.* The GoJ Methodology first defined the object of investigation by developing an operational concept of conflict-related sexual violence. To do this required undertaking further conceptual development of the currently accepted legal approach, and so offers a strategy for moving past the current challenges of defining the object of the field. The GoJ project's concept of conflict-related sexual violence drew upon the definition of sexual violence as an international crime under customary international law. The customary law definition is internationally accepted (in contrast to the ICC definition), and hence avoids the problem that legal definitions of sexual offences differ in national jurisdictions. However, the GoJ project's operational concept also addresses the important limitations of the customary law definition, including conservative legal interpretation and application of these legal norms in international criminal law jurisprudence (see [Campbell 2016](#)). For this reason, the GoJ project's concept also built on feminist critiques of the legal conceptualization of conflict-related sexual violence, and the most progressive aspects of this jurisprudence, which focuses on the coercive circumstances of conflict, to define the illegality of these acts at international and national levels. This category of prohibited sexual acts occurs in the context of the coercive circumstances of conflict, where "conflict" is

defined by the so-called contextual element of the core international crimes, such as the existence of an armed conflict (war crimes), an attack on the civilian population (crimes against humanity), or acts destroying or intending to destroy a national, ethnical, racial, or religious group (genocide). This context of the coercive circumstances of conflict gives the sexual violence its characteristic as an international crime, rather than a domestic offence. Accordingly, the GoJ project's operative concept of conflict-related sexual violence is "any act of sexual violence committed in the coercive circumstances of conflict," defined as an armed conflict, attack on a civilian population, or intent to destroy or destruction of a protected group.

*The concept of "gender"*. The next step is to reinscribe "gender" as an analytic category into this ostensibly gender-neutral or gender-inclusive concept. This reinscription is necessary because it makes clear the gendered construction of the concept itself. The legal and social category of acts that are described as "conflict-related sexual violence" rest on gendered understandings of bodies and harms. This is because the *sexual* element of conflict-related sexual violence relies on the representation of certain parts of the body and particular acts as *sexualized*. However, "the sexual" is a particular representation of gendered acts and bodies. As the performative theory of gender of Judith Butler (2004) shows, "the sexual" represents this act (but not that) as sexual; this body part (but not that) as sexed; this body as female, but that as male. As such, the sexualization of bodies and acts relies upon "regulatory ideals" or norms that delineate certain acts as sexual, certain body parts as sexual organs, and certain bodies as being sexed male or female. For this reason, the idea of the "sexual" in crimes of sexual violence is always already gendered.

This approach allows the researcher to understand "gender" in terms of *performative gender*

*relations*, in that gender is made or performed through social practices, rather than being a pre-existing and intrinsic characteristic possessed by an individual or group. It builds on Butler's idea of gender as a practice, in which gender norms are constructed over time through the repetition of acts (or practices), and the category of "gender" is continually made through the iteration (or repeated practice) of these norms (Butler, 2010, 168). For Butler, repeated practices over time produce sexed bodies in particular ways, giving bodies particular sexual meanings structured by hegemonic and heterosexual norms of masculinity and femininity (Butler 1993, 2). This "regulatory ideal" is heterosexual because it defines sexuality in terms of sexual difference, namely, sexual desire for the *opposite* sex (Butler 1997, 138–40).

This concept of gender thereby shows how masculinity and femininity operate as hegemonic norms that are constituted in relation to each other. Particular cultural orders and social structures give content to these relational terms. Each term of sexual difference is filled with imaginary content according to hegemonic gender norms in specific social contexts (see Campbell 2004, 2007). In each particular context, this content consists of what is imagined to be a man, with a male body and masculine sexuality, and what is imagined to be a woman, with a female body and feminine sexuality. In this approach, "gender" operates as a relational and socially contextual category that constructs person and groups in relationship to gender norms, and in which gender norms are made meaningful in particular cultural orders and specific social structures. This performative understanding of gender moves past the problematic ontological assumptions in the research field, which presume particular "given" categories of persons and conflicts. Instead, this different conceptualization of "gender" provides an alternative epistemological lens through which to understand the making of gender in social practices of violence.

*The concept of conflict-related sexual violence as gender-based harm.* This concept of performative gender relations provides the basis for developing a different account of the subjects of the research field, namely, of understanding sexual violence in conflict as a gender-based harm. This is because this approach enables the researcher to understand sexual violence as a practice that constitutes norms of masculinity and femininity through violence. This act *produces* sexual difference through its repetition of those norms by force upon the bodies of both men and women (for further discussion, see [Campbell 2004, 2007](#)). This approach enables an understanding of how sexual violence ties together “biological” bodies and “social” roles, because it explains how sexual violence produces “biological” bodies as male or female, to which it ascribes masculine or feminine “social” norms through violence. For example, this approach can explain how sexual violence reproduces “the ideal types of ‘masculinity’ and ‘femininity’ as they are constituted in a patriarchal society in the state of war” ([Nikolic-Ristanovic 2000, 79](#)), by constructing a male body as a site of “feminine” ethnic abjection, or constituting a female body as a site of (national) reproduction. To identify the specific harms of sexual violence in a particular conflict, it is necessary to examine how that particular social context gives content—and meaning—to notions of sexual difference and violence, and how these ideas of what it is to be men or women are contested in the conflict itself.

The next step in building an operational concept of conflict-related sexual violence was to address the element of “gender-based harm.” At the international level, gender harms are defined as including (1) gender-based violence, which is directed against persons on the basis of their gender, and (2) gendered violence, which has greater impact or disproportionate effect upon categories of persons because of their gender. However, this formulation does not

enable us to fully understand the nature of those harms, or how they are connected to conflict. To do so, it is necessary to move beyond ideas of sexual violence as an act against an individual (for example, a breach of human rights), but instead to use a social and structural frame for understanding these forms of violence. To develop this approach, the GoJ project's concept of gender-based harm builds on Adrian Howe's work on social injury. This work reconceptualizes violence against women as socially created injuries (Howe 1990, 51), which are group-based and gender specific (Cain and Howe 2008; Howe 1987, 1990). Drawing on this idea of "social injury" helps to better understand how gender-based harms consist of injuries to persons as members of social groups. In this approach, sexual violence in armed conflict constructs those groups as such. It makes social groups through the iterative injuries of sexual violence. As such, the experience of sexual violence is also shared with persons who become members of that group through this violence. In the context of national legal systems, this process is described in terms of how injuries to that group reflect and reproduce social inequalities (Howe 1987, 428). However, in the context of international crimes, there is also a distinctive use of collective violence to create *and* destroy that class of persons. Accordingly, the harm of sexual violence involves injuries to persons as social as well as physical subjects. This is the harm to the social subjectivity of persons, understood as members of particular communities. The harm produces not only social groups of victims, but also social groups of perpetrators. In this approach, symbolic and material structures of violence produce these group patterns of perpetration. For example, what are often called "opportunistic" rapes of an individual by an individual occur in the context of collective violence against targeted ethnic groups, and with the expectation of impunity for this reason (Mischkowski and Mlinarević, 2009, 53). The so-called opportunistic rape is not simply the act of an individual. Rather, the act is framed within collective action and meaning. It draws on the collective meaning given to communal group belonging, and in the collective



organization of violence. This collective organization of violence mobilizes symbolic and structural resources, and incorporates multiple social actors.

Linking the social injury approach to the idea of the continuum of conflict provides a strategy to further develop the concept of “pattern” in the field. In the GoJ project’s model, “conflict” is a continuum of action and actors, consisting of differentiated patterns of armed violence and of victims and perpetrators. Within that continuum of conflict, sexual violence itself is “a continuum that spans interpersonal and structural violence” (Manjoo 2012, 27). In this conceptualization, the continuum of conflict-related sexual violence consists of a wide set of acts occurring in differentiated patterns. The coercive circumstances of violence form a continuum of conflict, which links different patterns of sexual violence to different forms of armed violence. This approach characterizes conflict-related sexual violence as different forms of practices that repeat over time (the duration of the conflict) and space (the conflict region). Building on earlier work on patterns of sexual violence (Campbell 2007), this approach follows Bourdieu in understanding “practice” as meaningful practical activity that consists of regular action that unfolds over time and space. In this approach, practice is both systematic (forming regular patterns of action) and temporal (repeated action over time). Following this idea, social practices form regular patterns of action that are repeated over time. “Pattern” indicates repeated forms of these social practices, such that it is the highest level of manifestation of the complex social actions of gender-based harms. The pattern is an aggregate of these different forms of practices of gender-based harms, involving multiple actors (victims and perpetrators), that are repeated across the time and space of the conflict. Those patterns are themselves differentiated by time and space (for example, changes in the forms of conflict from one year to another, or different forms of conflict in different regions).

This idea of the continuum of conflict-related sexual violence better captures the variation between these different acts, as well as their commonalities in the gendered continuum of violence (Cockburn 2004; Seifert 1999). Understood in this way, sexual violence is a form of gender-based harm, which is connected to other gendered harms of conflict, and is also part of a wider gendered continuum of violence (political, economic, social) in war. This idea also builds upon arguments that sexual violence in peace time is a part of a wide range of violence against women (Moser 2001, 36–37). This violence is structured through heteronormative gender norms and practices” (36–37). Importantly, this approach connects sexual violence in armed conflict to gender relations in peace (e.g. Cockburn 2004), by positing a continuity between gendered norms and inequalities in peace and war.

*The concept of gender justice for conflict-related sexual violence.* The next step was to build a concept of “gender justice” for conflict-related sexual violence. This began by reframing the concept of justice through a social and structural approach. Rather than identifying justice as a prior and given moral or legal good, this conceptual reframing began by identifying different forms of justice practices, that is, practices that seek to recognize, redress, or remedy conflict-based sexual violence. Building on long-standing feminist debates concerning justice for gender-based harms in war, the GoJ project’s concept of justice focused on three broad categories of existing forms of justice practices: formal legal justice, alternative justice, and transitional justice (Campbell 2014). Formal legal justice includes international and national laws, legal institutions, and prosecutions and civil claims. Alternative forms of justice include informal civil society mechanisms such as truth and reconciliation commissions or “people’s tribunals.” Transitional justice includes a wide range of range of processes and mechanisms for post-conflict social reconstruction.

However, long-standing feminist critiques have shown how these forms of justice reproduce gendered identities and inequalities (see, for example, [Chinkin and Charlesworth 2006](#); [Engle 2016](#)). Moreover, such gender-neutral models of justice fail to address the broader social structures underlying sexual violence<sup>▲</sup> in armed conflict. For these reasons, it is necessary to reinscribe “gender” as an analytic category into the development of the concept of justice in the GoJ Methodology. Accordingly, the GoJ project’s concept of “gender justice” undertook a more fundamental reframing of the concept of justice practices in terms of *gender relations* within conflict and post-conflict societies ([Bell and O’Rourke 2007](#)). The GoJ project’s approach builds on the important arguments concerning “transformative gender justice,” which [Boesten and Wilding \(2015, 75\)](#) characterize as “the potential for justice mechanisms, in the broadest sense, to have transformative outcomes upon gender relations.” This important reorientation of “gender justice” links post-conflict justice for gender harms to “societal transformation” that does not sustain “dependence and subordination” that exists prior to conflict, or which its violence produces ([Harris-Rimmer 2010](#)).

Building on this approach, the GoJ project develops a relational concept of “gender justice,” which emphasizes the structural and social character of justice. The GoJ project’s concept of gender justice consists of two elements. The first element of gender justice consists of a relationship between social injury and the provision of its redress and remedy. Gender justice must provide adequate remedy and redress for the injuries of gender-based harms. However, if gender injustice is social, then so too must be its redress and remedy. Accordingly, this concept moves past ideas of criminal retribution or transitional reconciliation. Instead, the second element of the concept of gender justice focuses on the relation between justice practices and the social transformation of gender relations. This is an idea of justice as having the potential for transforming social relations of domination and oppression, and not only

providing redress for wrongs. Accordingly, a relational gender justice approach focuses upon how justice practices address gender-based harms of conflict, and whether they work to create more gender-just societies.

## **The Gender of Justice Methodological Framework**

This analytic framework provided the basis for the next step of developing a methodological framework appropriate to researching the object of investigation (Bourdieu, Chamboredon, and Passeron 1991). This next step aimed to build a “reconstructive” methodological framework, which could provide an integrated approach to research design and choice of methods appropriate to the research object. Building on the GoJ project’s analytic framework, the methodological framework developed three inter-related components: (1) gender harm mapping, (2) gender justice mapping, and (3) relational gender justice review.

*Gender harm mapping: methods for identifying patterns of conflict-related sexual violence as a gender-based harm.* Gender harm mapping identifies patterns of sexual violence as a gender-based harm, and maps them across the differentiated continuum of conflict. Gender harm mapping involves four steps. The first step is to undertake a “gender analysis” of data sources and collection. Gender analysis of data generation examines how gender is an integral part of the production of sources, the form and content of reports, and the assessment of the reliability of those reports. It has long been recognized that conflict-related sexual violence is a “sensitive area” of research subject to significant reporting issues. This is typically described as “bias” in sources or documentation (Cohen 2016; Leiby 2012). In a positivist approach, “bias” is understood as reporting errors, which reflects personal or institutional interests (Cohen 2016, 201). It characterizes an accurate report as value free,

which would make conflict-related sexual violence a directly observable phenomenon. A gender analysis of the production of data also acknowledges the limitations of sources, such as their representativeness, incompleteness, or inaccuracy. However, it also acknowledges empirical facts are not readily observable to the naked eye, and that the production of data is value laden, and not value free (Code 2006, 100). Accordingly, this analysis examines how gender shapes how facts become observable to researchers by identifying how gendered social relations are integral to the production of these “sources,” the form and content of reporting in those documents, and the assessment of the reliability of those reports.

The second step is to identify and analyze the social and structural dimensions of individual descriptions of conflict-related sexual violence as gender-based harms in data sources. This involves undertaking a disaggregated analysis of the elements of sexual violence as a gender-based harm. The GoJ Methodology builds on the HURIDOCs model of human rights violations, of “Who Did What to Whom.” It disaggregates the “grammar” of conflict-related sexual violence in terms of acts (what was done) at the level of individual victims (who did what to whom) (Ball 1996). However, the GoJ Methodology also includes other elements in this analysis to capture the “gender dimensions” of these experiences. In the context of measuring gender violence in non-conflict national settings, Walby et al. (2017, 52) argue that simply “adding gender as a variable” to violence studies will not reveal the integral “gender dimensions” of that violence. To capture these gender dimensions, those studies also need to include the sex of the victim, the sex of the perpetrator, the relationship between victim and perpetrator (e.g. family members), the sexual aspect of violence, and the “gender motivation” (e.g. honor killing), and the setting (e.g. domestic setting). The GoJ Methodology includes these elements in its analysis of conflict-related sexual violence, so that it can develop a model of who did what to whom, and in what social and conflict context.

The third step is to undertake a “pattern analysis” of these individual descriptions of conflict-related sexual violence across the continuum of conflict. This pattern analysis involves identifying how different forms of “who did what to whom” repeat over time (the duration of the conflict) and space (the conflict region). The pattern analysis aggregates these different forms of practices of sexual violence, which involve multiple actors (victims and perpetrators), that are repeated across the time (1992–2002) and space (the territory of the former Yugoslavia) of the conflict. However, it also differentiates those patterns by time and space, linking these patterns to changes in the forms of conflict over its duration, and different forms of conflict in different regions.

*Example 1: Gender harm mapping in the gender of justice project.*

In the GoJ project, gender harm mapping involves an analysis of the patterns of sexual violence described by witnesses testifying in criminal proceedings before the International Criminal Tribunal for the former Yugoslavia (ICTY). As of July 2017, some 4650 witnesses have appeared before the ICTY, with over 2.5 million pages of trial transcripts.<sup>1</sup> It was necessary to undertake a gender analysis of the production of these transcripts, because women constitute a comparatively small number of the total number of witnesses, and hence produce smaller numbers of witness transcripts (King 2016). Moreover, because women predominantly appear as sexual violence witnesses, their testimony is more likely to be given in a session that is closed to the public, and accordingly is removed from public court records. Because of these gendered processes that produce individual testimonies, reports of conflict-related sexual violence in transcripts cannot be treated as “data” by themselves. Instead, they need to be analyzed contextually in relation to other legal materials, such as

---

<sup>1</sup> “Infographic,” <http://www.icty.org/en/content/infographic-icty-facts-figures>, accessed 5 November 2017.

indictments and judgments, the legal framework which produces their form and content, and as part of larger “datasets” of public legal narratives of sexual violence.

The GoJ project then analyzes the descriptions of conflict-related sexual violence in these witness transcripts. This approach follows Doris Buss in treating these transcripts as another important source of knowledge about women’s experience of conflict (Buss 2014a, 88). However, that experience is characterized as a product of the social position of the victim, rather than a subjective and personal viewpoint (following the understanding of sexual violence as a social injury). As such, each description of that experience in witness transcripts provides a rich account of repeated and regular forms of the social practices of conflict-related sexual violence. The analysis then disaggregates each account at the level of acts (what was done) and individual victims (to whom) into what we call “elements of sexual violence.” These elements aim to capture the gendered dynamics of conflict-related sexual violence, and include a disaggregated analysis of the form of sexual violence (rape, oral or anal sex, etc.), the context of conflict-related sexual violence (such as the specific conflict setting of paramilitary attack, siege, house search, etc.), and perpetrators (number, role in conflict, and so on). Because we were concerned to capture more than the individual experience, our methodology identifies patterns of practice across the set of all witness transcripts. It uses a “mixed-method transcript analysis,” which combines qualitative content analysis of legal materials (to capture the descriptions of the elements of conflict-related sexual violence to generate qualitative description of patterns with richness and depth) and quantitative numerical analysis of the coded data in NVIVO (to capture higher-level and generalized patterns through descriptive statistics and qualitative content analysis). These methods are used to identify how witness narratives describe social practices of sexual violence that form regular patterns of action that are repeated over time and space.

*Gender justice mapping: methods of identifying patterns of justice practices for conflict-related sexual violence as a gender-based harm.* Gender justice mapping identifies existing justice practices and analyzes how these recognize and provide redress for conflict-related sexual violence as a gender-based harm. Gender justice mapping involves three steps. The first step is to identify existing practices at national, regional, and/or international levels that recognize, redress, or repair international crimes in a particular conflict. These include formal legal justice, alternative informal justice, and transitional justice. The second step is to analyze how these justice practices address conflict-related sexual violence. This step involves a similar process to that of gender harm mapping. This process first involves a gender analysis of data sources and collection, because institutions, mechanisms, and processes themselves rarely focus upon conflict-related sexual violence or other gender-based crimes, or collect gender-disaggregated data. It then involves a pattern analysis of justice practices, which examines patterns of characterization of conflict-related sexual violence, forms of redress or remedy, and their application. Such an analysis examines applicable laws and policies, implementing institutions and mechanisms, and how those laws and policies operate in practice.

*Example 2: Gender justice mapping in the gender of justice project.*

Gender justice mapping in the GoJ project focuses upon formal criminal justice, and seeks to map patterns of prosecutions of sexual violence before the ICTY and the BiH State Court. This analysis first examines the construction of legal norms and principles that provide the formal characterization of sexual violence, what conduct will be characterized as criminal, and who will be categorized as victims and perpetrators. To understand how these norms are gendered, we undertake a doctrinal analysis of positive criminal law at international and



national levels. The analysis then examines a second category of legal practices, which are criminal prosecutions. Criminal prosecutions involve a set of legal practices, which include charging of crimes, adjudication of criminal liability in trial proceedings, judgment, and sentencing. Each form of practice has particular characteristics, which are defined in professional and disciplinary terms (Campbell 2007). The repetition of the form of legal practice creates a pattern of social action. Patterns of prosecutions consist of legal practices that are repeated over time in criminal trials.

To undertake a pattern analysis of these legal practices, the GoJ Methodology disaggregates the elements of these legal practices. These elements include who did what to whom (the legal construction of victims and perpetrators of crimes), the legal characterization of those acts (what offences and modes of liability were charged), who gave evidence of these crimes and in what form (*viva voce*, witness statement), and the adjudication on those crimes (evidential evaluation, conviction, sentencing). For example, the analysis of indictments identifies the proportion of sexual violence offences charged, the category of offences, and the gender of victims and accused. The methods of gender justice mapping combine qualitative content analysis of legal materials and quantitative numerical analysis of the coded data in NVIVO. This pattern analysis does not aim to provide “statistical correlation,” but, rather, to identify regular patterns of legal practice and their “complex causation” within the field (Goldsmith and Vermeule 2002). Rather than focusing on individual cases or witnesses, it examines the total set of completed cases in order to create a global picture of the patterns of sexual violence prosecutions, and to identify changes in these patterns over time. For example, the GoJ project’s analysis examines who is charged with which categories of crimes in all cases to identify the different patterns of charging of male and female accused, and for male and female victims. By undertaking a pattern analysis

across all completed cases, it becomes possible to examine the gender dimensions of patterns of prosecutions, and to identify how legal processes produce gendered identities and inequalities.

*Relational gender justice review: methods for identifying transformative gender justice practices.* The third and final element of this framework is relational gender justice review. This review involves comparing patterns of conflict-related sexual violence in a given conflict to the recognition, redress, and remedy offered by formal and informal justice mechanisms and processes, and asking whether these justice practices provide transformative gender justice for these gender-based harms. The first step of this review is to compare patterns of sexual violence to the forms of justice offered by existing categories of justice practices. This comparison identifies “justice gaps” in addressing these harms. The second step is to examine the field of justice practices as a whole, and to analyze whether they address the causes and consequences of conflict-related sexual violence as gender-based harms. The third step is to develop new justice practices to address these patterns of sexual violence as a social injury, and to link these justice practices to the social transformation of gender relations of domination and subordination.

*Example 3: Relational gender justice review in the GoJ project.*

In the GoJ project, a central focus of the relational justice review is whether patterns of prosecutions capture patterns of conflict-related sexual violence in the conflict. For this reason, it first examines the positive legal rules and jurisprudence of the ICTY and BiH State Court, and identifies whether they accurately recognize gender-based crimes. The project then uses qualitative and quantitative analysis of the patterns of prosecution and of sexual violence to examine whether these proceedings capture conflict-based sexual violence as a

gender-based crime. For example, this analysis examines each area of legal practice, such as appropriate case selection for different patterns of sexual violence (e.g. male sexual violence in detention camps), proportionate charging of female and male offences to reflect those patterns (e.g. charging male sexual violence as rape, rather than torture), proportionate numbers of male and female victim-witnesses (e.g. rather than disproportionately lower numbers of women), appropriate application of evidential evaluation of witnesses (e.g. rather than imposing higher standards), and appropriate sentencing (e.g. rather than allowing the accused's marital or parental status as a mitigating factor in sentencing).

Because of the legal focus of the GoJ project, an important element of relational justice review is to use feminist participatory action research to examine the relationship between criminal justice provided by prosecutions, and social justice for sexual violence survivors and affected communities. For example, a key element of this participatory research was my participation in the Women's Court for the former Yugoslavia. The Women's Court was a civil society initiative, which was held in May 2015 in Sarajevo (BiH). The context for this initiative was the failures of criminal and transitional justice mechanisms to properly address the experiences of women in the Yugoslav wars, including sexual violence. The Women's Court held two days of testimonies, with preliminary decisions and recommendations given by the Judicial Council. This important feminist initiative sought to identify and address gendered "justice gaps."<sup>2</sup> My participation as a member of the Judicial Council aimed to contribute to the development of new feminist justice practices, and to help to link these practices to transforming hierarchical gender relations, both in the region and in other conflict-affected countries.

---

<sup>2</sup> "Women's Court—Feminist Approach to Justice," <http://www.zenskisud.org/en/index.html>, accessed 30 September 2017.

## **Producing Knowledge in the Field: A Shared Conversation in Epistemology and Politics**

The research field of conflict-related sexual violence is currently struggling with key ontological, epistemological, and axiological challenges. The analytic and methodological frameworks of the GoJ project reframe these problems, and offer an approach that can be potentially operationalized in a wide range of contexts because of its mixed method and interdisciplinary nature. The reflexive account of the development of the GoJ Methodology given here offers an example of reconstructing models of knowledge production for other researchers working in the field.

However, developing appropriate methodologies for this field is as much a collective, as an individual, engagement. An essential challenge for researchers now is how to develop epistemic accountability, given that there is little consensus within this emerging field on how to engage with values in methodologies and methods. Hopefully, sharing our experiences of developing a model of epistemic accountability, and of using this approach to develop the GoJ Methodology, will contribute to this collective endeavor. Ultimately, this discussion aims to be part of building those relationships of accountability by engaging in solidarity in politics and shared conversations in epistemology.

### **Notes**

Kirsten Campbell is a Reader in the Department of Sociology at Goldsmiths College. She is the principal investigator of “The Gender of Justice” project, which examines the prosecution of sexual violence in armed conflict, focusing upon the former Yugoslavia. She has published extensively in this area, including articles in the *American Journal of International Law*, the

*International Journal of Transitional Justice, Social and Legal Studies, Signs, and the Journal of Human Rights.*

The research leading to these results has received funding from the European Research Council under the European Union's Seventh Framework Programme (FP/2007-2013)/ERC Grant Agreement no. 313626. My thanks to David Bausor, Jelke Boesten, Elma Demir, Jasenka Ferizović, Gorana Mlinarević, Maria O'Reilly, AKSA, and the anonymous reviewers for their helpful comments on earlier drafts. I would also like to thank the Sexual Violence in Armed Conflict international research group (<http://www.warandgender.net/about>) and the participants in the Researching Sexual Violence in Conflict workshop for their discussion of the paper.

## References

- Aranburu, Xabier Agirre. 2010. Sexual violence beyond reasonable doubt. *Law & Social Inquiry* 35(4): 855–79.
- Baaz, Eriksson Maria, and Maria Stern. 2014. Understanding sexual violence in conflict. In *The SAGE handbook of feminist theory*. London: Sage.
- . 2018. Curious erasures. *International Feminist Journal of Politics* 5 (1): 1–20.
- Ball, Patrick. 1996. *Who did what to whom?* Washington, DC: American Association for the Advancement of Science.
- Bell, Christine, and Catherine O'Rourke. 2007. Does feminism need a theory of transitional justice? *International Journal of Transitional Justice* 1 (1): 23.
- Bijleveld, Catrien, Aafke Morssinkhof, and Alette Smeulers. 2009. Counting the countless. *International Criminal Justice Review* 19 (2): 208–24.
- Boesten, Jelke, and Polly Wilding, 2015. Transformative gender justice, *Women's Studies*

- International Forum*, 51: 75–80.
- Boesten, Jelke. 2014. *Sexual violence during war and peace*. Basingstoke: Palgrave.
- 2017. Of exceptions and continuities. *International Feminist Journal of Politics*. 19 (4): 1–14.
- Bourdieu, Pierre, Jean-Claude Chamboredon, and Jean-Claude Passeron. 1991. *The craft of sociology*. New York and Berlin: Walter de Gruyter.
- Brammertz, Serge, and Michelle Jarvis, eds. 2016. *Prosecuting conflict-related sexual violence*. Oxford: Oxford University Press.
- Buss, Doris. 2014a. Knowing women: Translating patriarchy in international criminal law. *Social & Legal Studies* 23 (1): 73–92.
- 2014b. Seeing sexual violence in conflict and post-conflict societies. In *Sexual violence in conflict and post-conflict societies*, 3–27. New York: Routledge.
- Butler, Judith. 1993. *Bodies that matter*. London and New York: Routledge.
- 1997. *The psychic life of power*. Stanford, CA: Stanford University Press.
- 2004. *Undoing gender*. New York: Routledge.
- 2010. *Frames of war*. London: Verso.
- Cain, Maureen, and Adrian Howe. 2008. *Women, crime and social harm*. London: Hart.
- Campbell, Kirsten. 2004. *Jacques Lacan and feminist epistemology*. London and New York: Routledge.
- 2007. The gender of transitional justice. *International Journal of Transitional Justice* 1 (3): 411–432.
- 2014. Reassembling international justice. *International Journal of Transitional Justice* 8 (1): 53–74.
- 2016. Gender justice beyond the Tribunals. *American Journal of International Law* 110: 227–233.

- 2017. *Ethical challenges. Research ethics in criminology*. New York and Abingdon: Routledge.
- Chinkin, Christine, and Hilary Charlesworth. 2006. Building women into peace. *Third World Quarterly* 27 (5): 937.
- Cockburn, Cynthia. 2004. The continuum of violence. In *Sites of violence*. Berkeley, CA: University of California Press.
- Code, Lorraine. 1987. *Epistemic responsibility*. Hanover, NH: Brown University Press.
- 2006. *Ecological thinking*. Oxford: Oxford University Press.
- Cohen, Dara Kay, and Ragnhild Nordås. 2014. Sexual violence in armed conflict. *Journal of Peace Research* 51 (3): 418–28.
- Cohen, Dara Kay, Amelia Hoover Green, and Elisabeth Wood. 2013. Wartime Sexual Violence. United States Institute for Peace Special Report. <http://www.usip.org/publications/>.
- Cohen, Dara Kay. 2013. Explaining rape during civil war. *American Political Science Review* 107 (3): 461–77.
- 2016. *Rape during civil war*. Ithaca, NY: Cornell University Press.
- Davies, Sara E., and Jacqui True. 2015a. Reframing conflict-related sexual and gender-based violence. *Security Dialogue* 46 (6): 495–512.
- 2015b. The pandemic of conflict-related sexual violence and the political economy of gender inequality. In *Rape justice*. Basingstoke: Palgrave Macmillan.
- 2017. The politics of counting and reporting conflict-related sexual and gender-based violence. *International Feminist Journal of Politics*, 19 (1): 4–21.
- Dolan, Chris. 2018. ‘Only a fool. . .’ In *Sexual Violence Against Men in Global Politics*, London and New York: Routledge.
- Engle, Karen. 2016. Feminist legacies. *American Journal of International Law*, 110: 220–26.

- Gardam, Judith. 2013. A new frontline for feminism and international humanitarian law. In *The Ashgate Research Companion to Feminist Legal Theory*, Farnham: Ashgate.
- Grahn-Farley, Maria. 2010. The politics of inevitability. In *Feminist Perspectives on Contemporary International Law: Between, Resistance and Compliance* Oxford: Hart.
- Goldsmith, Jack and Adrian Vermeule. 2002. Empirical methodology and legal scholarship. *University of Chicago Law Review* 69 (1): 153–67.
- Halley, Janet. 2008. Rape at Rome. *Michigan Journal of International Law* 30 (1): 1. Haraway, Donna. 1991. *Simians, cyborgs, and women*. London: Free Association.
- 1997. *Modest\_Witness@Second\_Millennium.FemaleMan\_Meets\_OncoMouse*. New York: Routledge.
- Harding, Sandra. 1986. *The science question in feminism*. Ithaca, NY and London: Cornell University Press.
- Harding, Sandra, ed. 2004. *The feminist standpoint theory reader*. New York and London.
- Harris-Rimmer, Susan. 2010. Sexing the subject of transitional justice. *Australian Feminist Law Journal*, 32: 123–47.
- Hodgson, N. 2017. Gender justice or gendered justice? Female defendants in international criminal tribunals. *Feminist Legal Studies* 25 (3): 337–57.
- Hoover Green, Amelia. 2012. Statistical evidence of sexual violence in international court settings. In *Understanding and proving international sex crimes*. Beijing: Torkel Opsahl.
- 2018. Mind the gap. In *The Oxford handbook of gender and conflict*. Oxford: Oxford University Press.
- Houge, Annette. 2015. Sexualized war violence. *Aggression and Violent Behavior* 25: 79–87.
- Howe, Adrian. 1987. ‘Social injury’ revisited. *International Journal of the Sociology of Law* 15: 428.
- 1990. Sweet dreams: Deinstitutionalising young women. In *Dissenting opinions:*



- Feminist explorations in law and society*. Sydney: Allen and Unwin.
- King, Kimi and James David Meernik, et al. 2016. *Echoes of testimonies*. University of North Texas and the Victims and Witnesses Section at the International Criminal Tribunal for the former Yugoslavia.
- Kirby, Paul. 2013. How is rape a weapon of war? *European Journal of International Relations* 19 (4): 797–821.
- Leiby, Michele. 2012. The promise and peril of primary documents. In *Understanding and proving international sex crimes*. Beijing: Torkel Opsahl.
- Longino, Helen E. 1997. Feminist epistemology as a local epistemology. *Aristotelian Society*, 71: 19–35.
- Manjoo, Rashida 2012. The continuum of violence against women and the challenges of effective redress. *International Human Rights Law Review* 1(1): 1–29.
- Meger, Sara. 2016. *Rape loot pillage*. Oxford/New York: Oxford University Press.
- 2018. The political economy of sexual violence against men and boys in armed conflict. In *Sexual violence against men in global politics*. London and New York: Routledge.
- Mischkowski, Gabriela, and Gorana Mlinarević. 2009. ‘... and that it does not happen to anyone anywhere in the world’ – The Trouble with Rape Trials. *Medica Mondiale* eV.
- Moser, Caroline. 2001. The gendered continuum of violence and conflict. In *Victims, perpetrators or actors? Gender, armed conflict and political violence*. Basingstoke: Palgrave Macmillan.
- Ní Aoláí, Fionnuala, Dina Francesca Haynes, and Naomi Cahn. 2011. *On the front-lines*. Oxford and New York: Oxford University Press.
- Ní Aoláin, Fionnuala. 2014. The gender politics of fact-finding in the context of the women, peace and security agenda. Minnesota Legal Studies Research Paper No. 14-31;

- Transitional Justice Institute Research Paper No. 14-08. Available at SSRN: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2451064](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2451064).
- Nikolic-Ristanovic, Vesna. 2000. *Women, violence and war*, Budapest: Central European University Press.
- O'Rourke, Catherine 2013. *Gender politics in transitional justice*, New York and London: Routledge.
- Pittaway, Eileen, Linda Bartolomei and Richard Hugman, 2010. Stop stealing our stories. *Journal of Human Rights Practice* 2 (2): 229–51.
- Seifert, Ruth. 1996. The second front. *Women's Studies International Forum* 19 (1/2): 35– 43.
- Smeulers, Alette. 2015. Female perpetrators. *International Criminal Law Review*. 15 (2): 207–53.
- Swaine, Aisling. 2018. *Conflict-related violence against women: transforming transition*. Cambridge: Cambridge University Press.
- Touquet, Heleen, and Ellen Gorriss. 2016. Out of the shadows? The inclusion of men and boys in conceptualisations of wartime sexual violence. *Reproductive Health Matters* 24 (47): 36–46.
- Walby, Sylvia, Jude Towers, Susan Balderston, Consuelo Corradi, Brian Joseph, Francis, Markku Heiskanen, Karin Helweg-Larsen, et al. 2017. *The concept and measurement of violence against women and men*. Bristol: Policy Press.
- Wood, Elisabeth. 2006. Variation in sexual violence during war. *Politics and Society*, 34 (3): 307–42.
- Wood, Elisabeth. 2014. Conflict-related sexual violence and the policy implications of recent research. *International Review of the Red Cross* 96 (894): 457–78.
- Wood, Elisabeth, and Francisco Gutierrez-Sanin. 2017. What should we mean by 'pattern of political violence'? *Perspectives on Politics* 15 (1): 20–41.
- Zalewski, Marysia, Paula Drumond, Elisabeth Prugl and Maria Stern, eds. 2018. *Sexual*

*violence against men in global politics*. London and New York: Routledge.

Zarkov, Dubravka. 2014. Ontologies of humanitarian and international criminal law.

In *Narratives of justice in and out of the courtroom*. London: Springer.

——— 2016. Co-option, complicity, co-production. *European Journal of Women's Studies* 23 (2): 119–123.

Zawati, Hilmi, and Teresa Doherty. 2015. *Fair labelling and the dilemma of prosecuting gender-based crimes at the international criminal tribunals*. Oxford: Oxford University Press.