

The Gender Politics of De-militarising Northern Ireland: Theorising Gender Power in the Context of Conflict Transformation

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This paper examines 'mainstream' analysis of community-based restorative justice programmes in Northern Ireland through a critical feminist lens. The paper begins by outlining the development of community-based restorative justice (CBRJ) and then considers how the analysis of this local level form of conflict transformation has been analysed in ways that exclude issues of gender power.

The emergence of CBRJ

During the political conflict, paramilitary systems of informal justice became deeply entrenched in many working class communities in Northern Ireland. Despite the more recent process of conflict transformation, paramilitary systems of justice have proved difficult to eradicate. In response community-based restorative justice (CBRJ) projects emerged in both loyalist and republican residential areas to offer an alternative form of communal justice. Restorative justice is based around an ethic of non-violence, and focuses on repairing the harm caused by crime and anti-social behaviour through processes of mediation and conferencing. Championed by ex-paramilitaries these projects have been framed as community-led initiatives that transfer responsibility for tackling community crime from the paramilitaries to the community itself. Given the challenges surrounding the elimination of paramilitary activity in the context of conflict transformation, the CBRJ initiatives that have emerged in Northern Ireland have received much academic attention.

Overall the expanding literature on CBRJ in Northern Ireland has failed to engage with the gender politics of CBRJ practice. International declarations and bodies have forcefully argued that the development and analysis of conflict transformation processes should consider the gender implications of conflict transformation practices, particularly at local levels. Feminist scholarship has illustrated the implications of different justice forms on gender equality in societies emerging from conflict, and restorative justice practice in Northern Ireland, as this commentary will demonstrate, also raises questions about the effects of CBRJ on historical gender inequities in that region. The paper traces the theoretical mechanisms through which the category of gender has been filtered out of assessments of CBRJ in the region, and by doing so generates a set of gendered political questions around CBRJ analysis and practice. However before subjecting CBRJ scholarship in Northern Ireland to feminist scrutiny, the paper outlines the development of restorative justice schemes in the region.

The development of community-based restorative justice in Northern Ireland

As already stated during the course of the Northern Ireland conflict paramilitaries took on the role of policing 'their' respective communities through a brutal system of punishment beatings, shootings and the enforced exiling of individuals from their communities. These systems of justice were an effect of the political context of 'the troubles.' During the political conflict in Northern Ireland Irish republicans viewed the Royal Ulster Constabulary (RUC) as an illegitimate police force. Perceived as predominantly Protestant and subsequently biased, Irish republican communities refused to recognise the authority of the RUC. Paramilitaries filled the subsequent 'policing vacuum' in working class, republican districts by developing a system of paramilitary justice (McEvoy and Mika 2001). Loyalist paramilitaries also engaged in

informal policing activities. Rather than rescinding in the context of conflict transformation, paramilitary punishment beating and shootings continued, exposing the barriers to conflict transformation at the local level in Northern Ireland (Knox and Monaghan 2000).

However the new political context also provoked community-level experimentation with new forms of informal justice based on the philosophy of restorative justice. Marshall (1996: 37) defines restorative justice practice as ‘a process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future’. Politically motivated ex-prisoners also took up key leadership roles in these CBRJ projects.

During the late 1990s as restorative justice initiatives pushed forward the idea that it could provide a new non-violent model of informal community justice in Northern Ireland, the Belfast Agreement signed in 1998 also increased international pressure on paramilitary groups to end their involvement in practices of intimidation and violence at local levels (McEvoy and Mika 2002). Subsequently developing restorative justice projects to act as alternatives to paramilitary modes of justice became part of a broader political process, and the projects ‘were designed to allow such paramilitaries to (in their terms) “disengage responsibility” for such acts, handing dispute resolution back to the communities from which the conflicts emanate’ (McEvoy and Mika 2002: 535).

Restorative justice practices across the globe have raised critical questions about its potential to provide an alternative form of justice in more normalised societal contexts, and theorists have debated the effects of ‘giving justice’ back to communities. Linked with former paramilitaries, restorative justice in Northern Ireland has exacerbated these concerns (see e.g. Dignan 2000). Subsequently the schemes have been highly controversial.

The most problematic dimension of CBRJ schemes relates to the role of ex-paramilitaries in running the programmes and the potential links between the projects and paramilitary groups. Critics have queried whether this kind of model of CBRJ can truly comply with one of the central requirements of the restorative justice movement which is the voluntary participation of all parties in mediation and conferencing (see McEvoy and Mika 2002 for overview). Some commentators have contended that while restorative justice may be a positive practice in other contexts, in Northern Ireland it is being implemented in ways that support the continued control of paramilitary groups in working class communities (e.g. Silke and Taylor 2000; Knox and Monaghan 2000; Knox 2002).

Overall, then, restorative justice in Northern Ireland has been subjected to rigorous analysis by government and academics. Regardless of the comprehensive debate that has emerged around CBRJ in that context, issues of gender equality and power have been sidelined from the analysis (see as examples Gormally 2001; McEvoy and Mika 2002; Shirlow *et al.* 2005; Smith 2004). As I will illustrate women’s role in CBRJ has been ignored by researchers. However CBRJ analysis has developed an uncritical

narrative about de-militarised masculinity. Therefore CBRJ literature is both gendering and de-gendering.

Mainstream social science research on Northern Ireland politics has shown little interest in the category of masculinity. Critical studies of masculinity are viewed as a trivial point of analysis in a context characterised by deep sectarianism. However as Encloe (2002: 24) points out ‘feminist analysis is marked by a curiosity that pays attention to the gendered aspects of conflict and conflict transformation that are often imagined to be ‘trivial’ by the mainstream, and to be without ‘explanatory significance’. By charting the seemingly ‘insignificant’ category of masculinity in CBRJ literature the paper highlights the way a narrative of masculinity in CBRJ analysis has acted to sideline issues of gender power from local-level conflict resolution processes.

Narratives of masculinity and community-based restorative justice in Northern Ireland

As already indicated, regardless of their divergent political standpoints and their adoption of different angles of engagement with CBRJ the involvement of politically motivated former prisoners has been a central point for analysts who have assessed restorative justice in Northern Ireland. As Shirlow *et al.* (2005: 116) note: ‘Since their inception, the presence of former prisoners in these programmes has been a defining feature.’ As noted, critics of CBRJ have tended to frame politically motivated former prisoners as shady characters intent on maintaining paramilitary control of economically deprived residential areas through a distorted and sinister model of CBRJ. To challenge concerns about residual criminality in CBRJ practice in Northern

Ireland a number of analysts have focused on highlighting the skills and contribution of former prisoners to these schemes (McEvoy and Mika 2002).

One of the key issues surrounding ex-combatants' roles in CBRJ in Northern Ireland is that the men involved in developing the schemes have a history of violence as ex-combatants. For critics these men's involvement in political violence casts doubt on their suitability to deliver new non-violent models of justice, and to engage in peacemaking activities at local levels. Usually in Northern Ireland peacemaking and non-violence have been associated with women. This association ignores women's involvement in all levels of the conflict (Aretxaga 1997). However women have often been at the forefront of peacemaking initiatives, and essentialist portrayals of women have viewed them as morally superior to the 'men of violence' (Ashe 2007; Sales 1998).

Scholars of CBRJ have tried to illustrate that men's histories of violence as combatants, does not mean that men have to remain outside of the sphere of peacemaking or conflict transformational activities. For these writers, men's subjectivities, standpoints and agency change in the transitional political conditions that engender processes of de-militarization.

Indeed theorists who have analysed CBRJ in the Northern Ireland context argue that ex-combatants' active participation in political violence during the period of overt political conflict makes these men more likely to reject violence in the conflict transformation period. Shirlow *et al.*. (2005: 122) write: 'For those who have both inflicted and been on the receiving end of extreme violence, often it holds little

allure'. For these researchers it is not just through an orientation towards non-violence that restorative justice has been driven forward by ex-combatants. The men involved in building CBRJ have also spent long periods of time as convicted prisoners. Theorists have tried to expose how the experiences of the prison have engendered particular skills, mindsets and forms of critical thinking that were vital to the success of CBRJ. Again the effects of men's 'histories of violence' are viewed as 'assets' to be deployed in conflict transformation arenas.

Researchers (e.g. McEvoy and Mika 2001; Shirlow *et al.* 2005) suggest that setting up restorative justice initiatives demanded creative thinking on the part of those ex-combatant men involved in developing the schemes. They claim that this creative agency emerged through the multiple experiences of resistance by prisoners in the jails. Education was one strategy of resistance within a broader system of prisoner resistance to the prison regime. Shirlow *et al.* (2005: 62) write that: 'The existing academic and biographical accounts of political imprisonment in Northern Ireland, reinforced by the fieldwork conducted for this research, suggests that the central coping strategy for politically motivated prisoners (particularly republicans) was active and co-ordinated resistance'.

This history of resistance and revolutionary pedagogy for researchers provided the foundations for former combatants in Northern Ireland to take up key roles in the development of CBRJ. Engagement in on-going resistances in the prisons, according to these scholars, resulted in politically motivated former prisoners developing strong analytical, negotiation and debating skills (McEvoy and Eriksson 2006: 326).

Moreover McEvoy and Eriksson (2006) claim that these negotiating skills were vital in terms of ex-combatants being able to negotiate the development of a new form of non-violent justice in communities that were originally highly sceptical of the ability of CBRJ schemes to replace paramilitary policing. Therefore in the context of conflict transformation there were significant difficulties in persuading paramilitaries and communities to consider CBRJ as an alternative justice form. Paramilitaries and the community had to be convinced that CBRJ could act as a viable alternative to paramilitary systems of justice and could provide a mechanism through which paramilitaries could disengage from their traditional policing activities. Analysts contend that a history of involvement in resistance in the prisons equipped men with the resilience and determination to push forward and surmount the various political, organisational and financial obstacles to developing CBRJ (see e.g. McEvoy and Eriksson 2006; McEvoy and Mika 2001; Shirlow *et al.* 2005).

More specifically some researchers argue that ex-combatants were able to experiment with new justice forms because they had been exposed to critical thinking in the prison context. Their experiences of radical pedagogy engendered the kind of creative thinking required to develop innovative community justice practices in the Northern Ireland context (see e.g. Shirlow *et al.* 2005).

In summary then, researchers conclude that the skills, standpoints and experiences of ex-combatant men mean that 'both sets of protagonists [loyalists and republicans] have demonstrated finely honed antennae as to the potential for stretching their political base and considerable dexterity at overcoming seemingly insurmountable political difficulties' in post-conflict conditions' (Shirlow *et al.* 2005).

These writers also suggest that former combatants' leadership skills and ability to influence their communities towards non-violent community justice forms are grounded in their unique experiences of combat. 'It is precisely because of their violent pasts that many former prisoners are ideally placed to provide leadership. Put simply, unless those who bring the peacemaking message have credibility amongst paramilitary activists and can frame it appropriately within the organisation's way of thinking, the message will not be heeded' (McEvoy and Eriksson 2006: 327).

Men's involvement in arenas of political violence also means that they have a degree of kudos in their communities. 'The ex-combatants bring a considerable degree of credibility, respect, and legitimacy to the [CBRJ] programs' (McEvoy and Eriksson 2006: 326). Ex-combatants' background of participation in political violence, some writers believe, makes their refutation of violence more important at the community level. 'Their rejection of the efficacy of violence as a strategy is itself a powerful exercise in both moral leadership and community capacity building (Shirlow *et al.* 2005: 122; McEvoy and Eriksson 2006: 329).

In effect CBRJ scholarship of this kind inadvertently traces changes in military masculinities to non-violent reconstituted masculinities. As political conditions have shifted in Northern Ireland so too have new forms of masculinity emerged, and although it is not the concern of these theorists to do so, they unintentionally engage in a process of charting shifts towards de-militarised masculinity during the period of conflict transformation. However because they are primarily concerned with

examining issues of legitimacy and the re-integration of politically motivated former prisoners, they fail to notice the gender implications of their discourse. Several conceptual and political problems arise from this version of post-conflict masculinity which will be detailed below. One of the central problems revolves around discussions of men's agency, skills, experience and leadership outside of the context of the historical relations of gender inequality in Northern Ireland. Another notable issue is that writers construct a de-gendered analysis of men's subjectivities and changing roles. A feminist framework that exposes further the effects of these aspects of CBRJ analysis is outlined below.

Gendering knowledge, gendering conflict transformation

While theorists have concentrated on men's identities through a de-gendered analytical framework primarily concerned with questions of political legitimacy, CBRJ analysts have not, to their credit, retreated to crude forms of biological theory to explain men's agency and leadership in the arena of restorative justice practice in Northern Ireland. Instead writers have tended to trace changes in a group of ex-combatant men's subjectivity through investigating these men's social experiences. Moreover writers have examined the constitution of men's changing roles and political perspectives in relation to the concrete conditions of the prison and the theatre of political violence, and have not turned to traditional essentialist models of masculinity. However for a critical analysis of masculinity to emerge theorist must examine the reconstitution of de-militarised masculinity within the context of the broader historical relationships of gender within Northern Ireland. The experiences and skills of ex-combatants that these writers identify are not gender neutral characteristics but arise from life histories that have been structured through historical

and inequitable gender regimes (See Nagel 1998). In the Northern Ireland analysis of CBRJ political power, legitimacy and de-militarization become the 'nodal points' that frame the analysis of men's changing agency and non-violent community activism; a framing that sidesteps questions about men's traditional hegemonic positions within communities and the effects of that hegemony on women. Furthermore it erases women's agency from discussions of CBRJ.

Of particular concern is the way that writers have analysed, and to some extent valorised men's experience. Researchers' treatment of men's experiences is a central contributing factor to the framing of CBRJ schemes as male generated and male driven justice forms. Contemporary theory has exposed the political aspects of the category of experience in social science and the humanities (e.g. Scott 1990). It has exposed how social factors position people in ways that cause different experiences. Moreover it has highlighted the multiple discursive strategies through which experiences are understood and interpreted, and how particular interpretations of gender experiences enter political discourse (Wetherell 1998). For theorists influenced by poststructuralism talking about gendered experience is not a process of the straightforward documentation of life histories. Rather it is a discursive process that involves reading experiences with recourse to different social frameworks of meaning, and therefore involves interpretation, selection and discursive construction (Ashe 2004; 2007b). In this respect discussions of experience are political involving exclusions and generating power-effects by structuring and framing agency in particular ways (Ashe 2004; 2007b).

The selection, framing and privileging of men's experiences, which are constituted as synonymous with the development and success of CBRJ, means that women's agency, skills and histories of community work are erased from the analysis. Regardless of women's role in communities, women are absent from assessments of CBRJ in Northern Ireland. Similarly men's needs, experiences, pain, trauma and skills as ex-prisoners and combatants are the exclusive focus of CBRJ literature in Northern Ireland. These aspects of women's lives in communities affected greatly by political conflict are excluded from the analysis. Moreover there is no exploration of men and women's shared skills and experiences or of women prisoners' experiences, and how those experiences feed into CBRJ or community work. At present no figures exist on the number of women involved in CBRJ groups or the ratio of men to women in leadership and management roles in these organisations. Furthermore little is known about women's impact, participation or view of restorative justice work. This sidelining of women has marked processes of conflict transformation internationally. As Thurshen (2001: 84) observes 'in the aftermath of conflict, men overlook women and discount women's ability to mobilise communities for reconstruction....'

Women have had a significant role in developing CBRJ practices, and in some centres women volunteers outnumber men. As indicated above women have brought their skills, creativity and agency to many conflict transformational activities throughout the period of the Northern Ireland conflict and continue to do so through a wide variety of organisations including CBRJ. Moreover they have a long history of engaging in cross-community dialogue around community issues. The failure to document women's role in developing and maintaining CBRJ, means that women's agency is analysed by researchers of CBRJ only in relation to the effects of de-

militarization on the family (see e.g. McEvoy *et al.* 1999; Shirlow *et al.* 2005). From a feminist viewpoint such explorations of the effects of prisoner release on women and children is vital if issues of gender are to be addressed in the post-conflict context. However the lack of attention to women's more public roles in conflict transformation through CBRJ means that women become framed as passive actors, receptacles that receive men back into the family. This kind of construction of a gendered public/private divide has been noted in a number of conflict transformational contexts. Cockburn and Zarkov (2002: 13) note how after war, 'the traditional militarized gender regime endows men with the power in politics and locates women's importance in the family.'

Women's voices, perspectives and activism become smothered and fail to infiltrate the public arenas where particular levels of influence may exist in terms of shaping policy and wider perceptions of the activities and agendas of new social movements such as CBRJ. As CBRJ advocates invoke the notion of local democracy (see e.g. McEvoy and Mika 2002) in their analysis of CBRJ in Northern Ireland their framing of ex-prisoners and inattention to issues of gender seems particularly problematic as they have ignored women's relationships to local forms of democracy.

From a feminist perspective it is striking that forms of CBRJ literature in Northern Ireland study men's activities through detailed analysis of the 'real' political context of conflict transformation wherein difficult issues such as prisoner integration have to be dealt with for pragmatic reasons. However theorists' understanding of what

constitutes the political context of CBRJ does not include the historical conditions of gender inequality that mark that context.

Both nationalist movements in Northern Ireland have generated oppressive gendered discourses, practices and gendered roles that supported men's dominance as decision-makers and political actors, and structured women's roles as primarily familial (see Davis and Roulston 2000). By failing to integrate gender inequality into their understanding of the political, academic advocates of CBRJ, filter out issues of gender justice and inequality. They therefore fail to note the political constitution of men's roles, kudos and positioning in communities as leaders and reinforce men as the gender that must be recognised and heard. Such a position, which researchers no doubt unintentionally adopt, acts to reaffirm male hegemony in communities in the conflict transformation period. It removes questions of relationships of gender in the restructuring of communal justice, and constructs men as almost 'natural' leaders because of their past involvement in violent conflict.

Conclusion

If the gendered power implications of the academic framing of the changing political structures in Northern Ireland are not addressed by mainstream analysts then the documentation of Northern Ireland's process of conflict transformation across a whole range of issues such as community regeneration, victims' claims, memory and truth telling are likely to reproduce the gender blindness of academic writings during the period of conflict. This paper has explored one example where these processes of de-gendering are evident in conflict transformation literature in Northern Ireland.

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