Feminist Ethics of Conflict

Robin May Schott

"We have learned that one can never say never again."
Mirsad Tokaca, Director of the Bosnian State Commission for
War Crimes Documentation Center

Introduction

At the beginning of his late work, "Religion within the boundaries of mere reason" (1793), Immanuel Kant outlines two models of history: One model assumes that human history is the story of a fall and decline from life in Paradise; the second model assumes that the "world steadfastly ... forges ahead in the opposite direction, namely from bad to better ...".[1] This optimistic belief in rational progress has been one of the central legacies of the Enlightenment, although historical events in the last 100 years have made it difficult to justify. There is no doubt that in terms of the sheer numbers of casualties, the tragedies of war have escalated in the 20th century. In the years 1900–1990, there were four times as many war deaths as in the preceding 400 years.[2] In the wake of the civil war in the former Yugoslavia and the genocide in Rwanda, issues of violence, trauma and the concept of evil again have become urgent matters for contemporary intellectuals. The September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon, and the ensuing military assault against Afghanistan in the name of "Enduring Freedom", brings no reassurance that an epoch of violence is soon ending.

Mainstream ethics typically does not bring the existence of violence into the heart of ethical reflection. Even when philosophers do reflect on violence, they generally do not attend to the phenomena of sexual violence. Many feminist philosophers, however, do

1 Immanuel Kant, "Religion within the boundaries of mere reason", in: Religion and Rational Theology, translated and edited by Allen W. Wood and George Di Giovanni, Cambridge 1996, 69. This paper is based on a longer chapter in my book, Discovering Feminist Philosophy; Knowledge, Ethics, Politics, Lanham 2003.

2 See Jean Vickers, Women and War, London 1993, 2.

recognize that analyses of violence and oppression are an originary impulse of feminist ethics. They argue that ethics must study the actual moral behavior of members of a society, in order to give a reflective and critical analysis of moral life. Since violence against women is an enduring feature of the present, the American political theorist Linda Bell writes that feminist ethics "must anchor itself in the reality of violence, oppression, and colonization in order to offer adequate moral critiques".[3]

In this paper, I will discuss the following questions: 1) What conceptual strategies are available for analyzing the central role of conflict, ambiguity, and ambivalence in human affairs? Here I have found it particularly useful to draw on the work of Simone de Beauvoir.[4] 2) How does a philosophical analysis of empirical examples of conflict and violence add to an understanding of ethics? Here I will draw on material about the war rapes during the civil wars in the former Yugoslavia. 3) What concepts are available for understanding the constructive moment of ethics, in which the work of healing and restoration must take place? Here I will discuss the concepts of witnessing and an ethics of dissensus that feminist theorists have proposed.

I. Simone de Beauvoir and the ethics of negativity

Simone de Beauvoir focusses on the paradoxes and contradictions at the heart of human relations, themes that later post-structuralist theorists have emphasized. In her book *The Ethics of Ambiguity*, Beauvoir works through the ethical implications of existentialism through a discussion of terms such as paradox, negativity, and ambiguity. For Beauvoir, human existence is fundamentally paradoxical, as is evident in the fact that humans have consciousness and intentionality, but they cannot escape their natural condition, cannot escape being an object or instrument for others, and ultimately are fated to die. Although failure is an inescapable element of the human condition, it is human failure that makes ethics meaningful.

Beauvoir argues that moral subjectivity is fundamentally relational, a term that has become central in contemporary feminist discussions of the self and of autonomy.[5] Moral subjectivity consists, on one level, of the relation within the internally split subject, a relation that can be the source of self-alienation. On another level, moral subjectivity is understood in terms of interpersonal relations. Beauvoir describes the "me-others relationship" as fundamental to human existence.[6] Beauvoir's approach to moral subjectivity generates the following insights: 1) Both moral subjectivity and inter-subjectivity are relational affairs. 2) Conflict is inevitable both internally in the moral subject and between sub-

3 Linda A. Bell, Rethinking Ethics in the Midst of Violence, Lanham/Maryland 1993, 25. See also Schott, Feminist Philosophy, see note 1.

4 My discussion of Beauvoir is drawn from my article, "Beauvoir on the Ambiguity of Evil", in: Claudia Card ed., Cambridge Companion to the Philosophy of Simone de Beauvoir, Cambridge 2003.

5 See for example Catriona Mackenzie and Natalie Stoljar, ed., Relational Autonomy; Feminist Perspectives on Autonomy, Agency and the Social Self, New York & Oxford 2000 and Diana Tietjens Meyers, ed., Feminists Rethink the Self, Boulder and Oxford 1997.

6 See Simone de Beauvoir, Ethics of Ambiguity, translated by Bernard Frechtman, New York 1948, 72.

jects. 3) Hence, failure is an inevitable dimension of moral subjectivity. 4) Consequently, an understanding of the conditions, acts and temptations that lead to failure are an essential part of ethical reflection.

In her book *America Day by Day,* which traces the attitudes towards race she met amongst whites and blacks during her four-month journey through America in 1947, Beauvoir further develops her approach to ethics. In connecting moral failure with social institutions that aggravate this failure, she transforms moral phenomenology into phenomenology of oppression – a notion developed by Richard Wright. A phenomenology of oppression focusses on the subjective landscape of oppression, as it is revealed in relations between oppressors and oppressed. Beauvoir describes her method in *The Ethics of Ambiguity* as "confronting the values realized with the values aimed at, and the meaning of the act with its content".[7] By this method, Beauvoir contrasts one's conscious, intentional values with the results of one's actions. This contrast is obvious in the case of the revolutionary who is willing to sacrifice the lives of three comrades in order to gain publicity for his cause. But this method also becomes a tool for analyzing the contradictions in the attitudes of those who willingly deprive others of freedom (e.g., racists, anti-Semites, misogynists). In this case, the oppressor seeks to objectify the other, and succeeds in realizing these values. But she/he also becomes subject to the same logic of objectification that is applied to the other, and thereby loses the moral agency that she/he sought to privilege. Beauvoir's analysis resonates with that of her contemporaries, not only with Richard Wright's *Native Son* (1940), but also Jean-Paul Sartre's *Anti-Semite and Jew* (French 1946) and Frantz Fanon's *Black Skin, White Masks* (French 1952).

Thus, social institutions and practices such as racial discrimination in the United States are complicitous in moral failure. Beauvoir criticizes these institutions indirectly in the phenomenology of oppression, which examines what these institutions *do* to people. She also criticizes them directly, as when she refers to both poverty and racial oppression as "evils".[8] Implicit here is the view that in order to make moral judgements about systematic forms of oppression – such as lynching in the United States, the Nazi extermination camps, the Soviet labor camps – ethics must supplement an analysis of individual agents' attitudes and actions with an analysis of the logic of social practices.

In addition to Beauvoir's focus on *individual* behavior and attitudes and on how ethics is *socially situated*, Beauvoir focuses on the *cultural* dimension of ethics. Ethics must also address the nature of the symbolic representations that organize what Beauvoir calls our dreams, fears, and idols. Beauvoir's analysis of the cultural dimension of ethics is anchored in her analysis of otherness. In Hegel's phenomenological analysis of consciousness, every consciousness sets itself up as the essential, as opposed to the other, and the other sets up a reciprocal claim to define itself as essential.[9] But in cultural relations between the sexes, this reciprocity is lacking; woman becomes the Other. In Western culture, woman "incarnates all moral values, from good to evil, and their opposites ...".[10] In

7 Beauvoir, Ethics, see note 6.

8 Simone de Beauvoir, America day by day, translated by Carol Cosman, London 1999, 89.

9 See Simone de Beauvoir, The Second Sex, translated by H. M. Parshley, New York 1974, XX.

10 Beauvoir, Sex, see note 9, 223.

this passage, Beauvoir suggests that there is a logic of instability in symbolic representations. When representations of woman as Other become part of a dualistic conceptual system, there is an instability within the system which drives each concept to turn into its opposite. Thus, woman is both "pitiable, hateful, sinful, victimized, coquettish, weak, angelic, devilish".[11] The representation of women by these contradictory characteristics can only be explained by the logic of opposing concepts, through which ambivalent representations of women become sedimented in culture, despite or even because of their contradictory character.

II. Ethical analyses of War Rape/Sexual Torture

The atrocities of war rape have reached new levels of public awareness, but the phenomenon is hardly new. A recent book by the British military historian Antony Beevor documents that the Red Army was responsible for raping up to two million women during World War II.[12] A new way of writing history, one that is involved with the emotional details of a reality under siege, has made visible a phenomenon that previously has been treated as invisible. Working with this material creates dread and nausea, and the need to find conceptual tools that can honor the complexity of subjective moral experience and the irreducible corporality of these moral transgressions. In this context, I have found it useful to work with the concepts of moral phenomenology developed by Beauvoir, as well as her analysis of how institutions and symbolic systems structure moral transgression.

In reading material on war rapes and other forms of sexual torture, one may well reach what the Italian poet Zanzotto calls "the politics of continuous vomiting".[13] I reached my breaking point when I read about a woman who was a surviver of multiple rapes in one of the camps, whose husband had rejected and divorced her, and who had remarried. But the new marriage was haunted by a dangerous cycle of sado-masochistic violence in which the husband and wife continuously exchanged roles of the victim and tormenter. Although they had a child together, the violence was so destructive that it was impossible for the partners to rear the child. This example, far from isolated, shows the enduring effects of post-torture trauma amongst survivors.[14]

Rape is an act of violence and humiliation which destroys the victim's sense of self and her trust in the world and in ordinary human relations. The Danish psychologist Libby Tata Arcel, who for two and a half years led a psychosocial treatment program in Zagreb for Bosnian torture and war victims, gives the following definition of rape:

11 Beauvoir, Sex, see note 9, 217.

12 See Antony Beevor, Berlin: The Downfall, *1945*, New York 2002.

13 This phrase is invoked by Beverly Allen in Rape Warfare; The Hidden Genocide in Bosnia-Herzegovina and Croatia, Minneapolis 1996, 106.

14 See Mirsad Tokaca, ed., The Sin of Silence, Risk of Speech, Sarajevo 2000, 529. Note that the media records explosions of "domestic" violence against women, without connecting it to post-war trauma. See Biljana Kasic, "The Aestheticization of the Victim Within the Discourse of War", in: Svetlana Slapsak ed., War Discourse, Women's Discourse, Ljubljana 2000, 274.

> Forcible penetration or near-penetration (vaginal, rectal, oral) of a woman's body openings by body parts of or any instruments used by a person in official capacity during armed conflict or during peace with the purpose of manifesting aggression and causing physical and psychological damage. Rape includes cases where a woman is coerced to exchange sexual favours for certain entitlements for herself or her family (food, necessary papers, health services) or is coerced to sexual intercourse because she fears for her safety.[15]

Arcel notes that there are other forms of sexual assault (e.g., forcing women to take part in unnatural sexual relations with family members or animals or other captives, inflicting pain or mutilation on the genitals or breasts, forced witnessing of rape, forced masturbation, sexual threats, molestation without penetration) which are equivalent to rape in a psychological sense. Estimates of the numbers of women raped during the war range from 20.000–50.000 and although the majority of victims were of childbearing age, victims also included young children (e.g., a four-year old girl[16]) and women in their seventies. Although it is impossible to know how many women were impregnated because of rape, one small-scale study showed that 10% of victims who sought help had become pregnant.[17]

All parties to the conflict have been guilty of these atrocities. Rape in detention was practiced in camps run by Croats and Muslims. But Bosnian Serbs raped Muslim women as part of a consistent policy. Although the majority of victims were Bosnian women – and my empirical references refer to this group – this does not diminish the cruelty toward or suffering of Serbian women who were raped and tortured.

In referring to Bosnian Muslim women who were raped, one must be wary of feeding into the Rape Victim Identity. The popular and academic discourse that focuses on Bosnian women as rape victims is replete with ethnic stereotypes – i.e., that modern Muslim women are different from modern Croatian and Serbian women in Bosnia, and that rape is worse for them than for women in other ethnic groups. One must also be wary of the gender stereotype that it is women, not men, who are rapable. This stereotype not only overlooks the sexual violence against men, but creates a discourse by which women consider themselves exceptionally lucky to escape rape.[18]

What attitudes among the perpetrators could motivate rape and cruel torture? As Beauvoir points out with regard to racism, the perpetrator is filled with hatred, and the lo-

15 Libby Tata Arcel, "Torture, cruel, inhuman and degrading treatment of women; pyschological consequences" , in: Torture: Quarterly Journal on Rehabilitation of Torture Victims, Copenhagen 2000, xxx. In her definition, Arcel emphasizes that rape is *sexual* violence, not merely violence, since it is an attack on the embodied sexuality of the woman. It is a crime that has lifelong consequences for a woman's sexuality, if the trauma is untreated. Moreover, she defines rape as a crime that has women as its primary victims, though men too can be raped. When men are victims of rape, they become feminized. Both her emphasis on the *sexual* and *gendered* nature of the crime fit well with Ann Cahill's analysis in Rethinking Rape, Ithaca 2001.

16 See Kelly Dawn Askin, War Crimes Against Women, The Hague 1997, 281.

17 See Libby Tata Arcel, "Sexual Torture of Women as a Weapon of War – The Case of Bosnia-Herzegovina", in: Arcel, ed., War Violence, Trauma and the Coping Process, Copenhagen 1998, 191.

18 See Durbravka Zarkov, "On Masculinitiy, Femininity and the Power of the Rape Victim Identity", in: Tijdschrift voor criminologie, 39, 2, (1997), 140–151.

gic of hatred is paradoxical. It requires that the perpetrator abstract from the concrete identity of the other and view the other as the source of all wrongs in existence, in order to resolve the perpetrator's own contradictory attitudes. In the situation of war-time atrocities, this logic is motivated by the belief that the others are deserving of hatred – e.g., that the Muslim women are "slime" (Balija), that the Croatian women are fascist (Ustasha),[19] that the men have been plotting to kidnap and murder Serbian children. According to this logic, there is something wrong with Muslims that makes them hateful (just as in other contexts one blames Jews or blacks). The others, e.g., the Muslims, are treated with revenge for acts that they purportedly were about to commit, though they had not actually committed them. The fervor of justice becomes directed not against actual acts and their consequences as takes place in a court of law, but against imaginary acts that might take place in the future. The attitude of the perpetrator rebels against the temporal distinctions between past, present, and future to unite all wrongs by virtue of the enduring essence of the hated group. This logic implicitly objectifies the hated others. The woman who are raped and tortured can no longer be viewed as like one's own mother or sister or daughter. If one acknowledges this possible likeness, then it is no longer possible to maintain this attitude of violence. One twenty-one year old Muslim woman tells the story of how she spoke to the commander who had ordered her to be undressed in the following way; "I asked him if he had a sister. He said yes. Then I asked, "How do you think your sister would feel if someone did with her what you're doing to me?" He jumped up and ordered me to get dressed and leave ... . He said I didn't need to be afraid, that no one would come get me anymore, and after that no one else did come."[20]

In objectifying the other, one abstracts from their concrete individual features of identity. One twenty-two year old Serbian man, who has been condemned to death by a military court in Sarajevo, said that he did not know how many girls he had raped, nor how many were killed afterwards, nor what their names were. He describes all his victims as the same, "tall, dark haired, and between twenty and twenty-five years of age".[21] This objection and abstraction was facilitated when perpetrators did not come from the same area as their victims. Thus, foreign Serbs were more likely to use excessive violence against Muslims than local Serbs. One forty-five year old woman said, "The local Serbs, they went easier, they weren't so extreme. But as soon as the foreigner came ... then they had pressure on them and you knew they just had to do it."[22] Yet personal rage can also justify objectifying attitudes. The human rights expert Kelly Dawn Askin writes, "In this conflict, neighbors have raped neighbors, friends have raped friends, teachers have raped students ... In the Yugoslav conflict, there have been allegations that atrocities have been committed not just against the official enemy but against a soldier or commander's *personal* enemy."[23]

The fear that motivates hateful acts is not merely fear of the other group, e.g. of the Muslims. It is also a fear of one's own group – the literal threats of murder or castration

19 See Arcel, Sexual Torture, in: the same, War Violence, see note 17, 196.

20 Alexandra Stiglmayer, "The Rapes in Bosnia-Herzegovina", in: the same ed., Mass Rape, Lincoln 1994, 95.

21 Stiglmayer, Rapes, in: the same, Mass Rape, see note 19, 155.

22 Stiglmayer, Rapes, in: the same, Mass Rape, see note 19, 120.

23 Askin, War Crimes, see note 16, 282.

(sometimes carried out) or humiliation if a man does not comply in committing violence. Thus, the men who committed violence unwillingly are also victims of violence. The logic of hatred relies on the logic of group identity. Individual Muslims are seen first and foremost as manifesting a collective identity as Muslims, by which their fate is justified. Meanwhile, the perpetrators' acts are not only motivated by virtue of their own ethnic or national identity, but are directly enabled by virtue of the group action – as evidenced in the widespread use of gang rapes. Thus, the perpetrators subordinate themselves to a group identity, just as they do to their victims.

The desire involved in those who commit rape under these conditions is most often not a sexual desire at all. Rather, the act is a sexualized manifestation of aggression.[24] The desire that motivates sexualized aggression may be a desire to avoid one's own humiliation, irrespective of the consequences for one's victims. One twenty-three year old Serbian who killed over eighty Croatians and Muslims and raped several girls said, "The soldiers told me I should rape her, and the others too ... But I was afraid, and I didn't have an erection. They egged me on, and I had to take down my pants and lie down on top of her ... I had absolutely no feeling for what I was doing ... and then I did get an erection, but I didn't feel anything. I didn't come." Another soldier said, "I didn't feel anything while I was doing it, it was only a little, each one a little bit ... it didn't excite me at all."[25] Thus the logic of hating sets up a perversion of the Golden Rule, whereby the unwilling perpetrator does unto others (physical and pyschological humiliation) what he fears will be done to himself.

In some men, however, the desire involved in raping does express a sadistic desire to take pleasure in cruelty to others so as to promote their own self-importance.[26] One Muslim woman who had been raped in her apartment, with her four-year old daughter watching, said, "They came and went, they drank and smoked marijuana. They laughed, they had fun ..."[27] This deliberate infliction of violence with malevolent intention gives rise to the most extreme form of trauma in the survivors.[28]

In all of these attitudes of hatred, the perpetrator ends up subordinating himself to the same categories of thought that he applies to his victims. In viewing the other as hateful and deserving of a justice that ignores temporal distinctions, the perpetrator himself ends up committing the violent acts that he fears. In objectifying the other as an indifferent physical thing to be manipulated, he leaves himself with an emptiness of feeling. ("I didn't feel anything ...") In fearing the other as a member of an enemy group, he subjects himself via fear to the manipulation of his own group. In seeking to humiliate the other in order to avoid his own humiliation, he is still vulnerable to humiliation in front of the group. The hatred which projects that which is feared and threatening onto the others becomes inverted into the self.

---

24 See Ruth Seifert, "War and Rape: A Preliminary Analysis", in: Stiglmayer, Mass Rape, see note 19, 55.

25 Stiglmayer, Rapes, in: the same, Mass Rape, see note 19, 157–159.

26 It is not the case that unwilling perpetrators turn into willing perpetrators. The soldier cited above had fled from the Luka internment camp because he was afraid of having to kill and rape more people, and thinks it would have been better had he been killed than being forced to kill others. Stiglmayer, Rapes, in: the same, Mass Rape, see note 19, 160.

27 Stiglmayer, Rapes, in: Mass Rape, see note 19, 109.

28 Arcel, Torture, in: Quarterly Journal, see note 15, 24.

Whereas the perpertators themselves become subordinated to the categories of hate that they direct towards the other, the victims suffer enduring marks of the dehumanizing acts committed upon their bodies. The possibility of carrying out their everyday life-projects becomes radically jeopardized. Several women in villages noted that they had been too busy with everyday affairs – taking care of children, washing, cooking – to pay attention to politics until soldiers came to their village. When war became a personal reality for the women who survived, their ability to carry out their everyday tasks was undermined, and their feeling of their body and of their personal relations became profoundly transformed.[29]

Victims of sexual torture experience a profound humiliation through the acts of torture. During shorter or longer periods, depending on the nature of the torture, a woman could no longer decide when to go to the bathroom, when to sleep, whether to engage in sexual acts, how to care for her children; instead, she was wholly subject to the will of another. As such, she was deprived of the feeling of being a person able to determine basic aspects of her own life. She became temporarily for herself, what she was for the torturer – a physical thing vulnerable to manipulation. The extreme feeling of powerlessness and humiliation was exacerbated if the rapes were committed in front of her own children, her husband, or her father, as often happened. The woman's own body became the occasion for a multiple violation of taboos (as in the woman who was forcibly raped by her 14-year old son).[30] Subsequent feelings of guilt may in part be a defensive belief that she did maintain some control and could have acted otherwise. Partly the feeling of guilt may lie in the knowledge that her own bodily violation constitutes a threat to the order which gave meaning and coherence to her life. Through these experiences of sexual violation, women often feel that their bodies are taken over by a foreign body that has lodged itself in their real body. Thus, the projection of the perpertrator – that she is the foreign element that must be excised – becomes mirrored in her own experience in an inverted fashion. There is indeed foreignness in her, but this foreignness is itself the scar left by the perpetrator. Thus, a woman may feel that an evil has moved into her body, which continues to torture her long after the actual physical torture ceases. Jean Améry, the Austrian-born Jew who survived torture and being a prisoner at Auschwitz, writes similarly of the permanence of torture: "Whoever was tortured, stays tortured. Torture is ineradicably burned into him, even when no clinically objective traces can be detected."[31] The feeling that the raped woman's body is colonized by an evil, foreign element may express itself in somatic symptoms, such as in an on-going inability to become pregnant. Thus, the threats during torture that she will never be able to be a woman again, never be able to have children, become actualized. One woman abused in a bordello near Brcko asked a gynecologist to extirpate her generative organs, to free herself of her memories.[32]

29 Here I draw in part on Libby Tata Arcel's lecture, "The Body as Language in Therapy of Sexually Tortured Women", presented at the conference "Facing Atrocities: Between Ethics and Politics," University of Copenhagen, February 28, 2002.

30 See Mary Douglas, Purity and Danger, London/Boston/Henley 1966,4.

31 Jean Améry, At the Mind's Limit, translated by Sidney Rosenfeld and Stella P. Rosenfeld, London 1999, 34. Améry describes torture like rape, because of the lack of consent. In torture, one's trust in the world breaks down and the person is completely transformed into flesh (28–33).

32 See Tokaca, Sin, see note 14, 528.

Sexual torture specifically involves the intimate parts of the body, and thus may create a tormenting feeling of complicity in the victim.[33] All bodily orifices symbolize specially vulnerable points[34] for the individual person and for society – and indeed all orifices were used as a venue for attack. Many women did not experience rape as a specifically sexual form of torture, but viewed it as one aspect of a multi-level trauma – which may have included the witnessing of the rape of young daughters, or sisters, or mothers, or the murder of sons, husbands, fathers or father-in-laws. And in fact one goal in treating victims is to de-sexualize the act of rape in order to free their sexuality from these traumatic scars. Yet there is a paradox in the sexual nature of this violence. On the one hand, there is no sexual desire involved in this act – this is obvious for the woman who is attacked, but as the examples mentioned above indicate, it is true of many perpetrators as well. Hence rape may be experienced as simply violence, not sexual violence. On the other hand, the violence does threaten to live on in her sexual life, since her most intimate, vulnerable bodily parts have been (often repeatedly) abused. The American philosopher Susan Brison describes how violence committed on the basis of sex shatters the connections between sex and love and undermines one's pleasurable erotic associations.[35] In the case of war-rape, a woman may experience ongoing sexual disturbances, as in the examples of a woman' somatic inability to conceive, or her participation in sado-masochistic sexual relations years after the physical torture itself has ended, where she gives her will to the objectification that she had earlier undergone against her will.[36]

In the wake of these dehumanizing acts, a woman may experience that objects and goals that had occupied her as a free woman now become meaningless; they shrink in comparison with the intensity of the experience of powerlessness. This powerlessness is more extreme for victims of torture than for victims of natural disaster. In the former case, pain was inflicted intentionally on the woman, thus undermining her trust in the world and in her relations with other human beings. The loss of control of her own body and its complete subjugation to the control of another leads to profound shame, a primal feeling connected with the loss of self-control over one's body. This shame is also connected to the cultural judgment that marks a raped woman as shameful. Indeed, these acts of violence realize the perpetrators' collective fantasy that sex can be a transformative process.[37] But instead of transforming an impure Muslim into a pure Serb, it has transformed a woman who was at home in her body into a woman who is "homeless in her own body".[38]

---

33 See Arcel, Torture, in: Quarterly Journal, see note 15, 22.

34 See Douglas, Purity, see note 29, 121.

35 See Susan J. Brison, Aftermath; Violence and the Remaking of a Self, Princeton 2002, 96.

36 See Jessica Benjamin's analysis of sado-masochistic relations in "Master and Slave: The Fantasy of Erotic Domination", in: Ann Snitow et al. ed., Powers of Desire; The Politics of Sexuality, New York 1983, 280–299. If one extends Benjamin's analysis, then the traumatic effects of rape re-install the polarity between controller and controlled, violator and violated, that has its psychological origin in the splitting of impulses and assigning them respectively to men and women.

37 See Arcel, Sexual Torture, in: the same, War Violence, see note 17, 202.

38 Rhonda Copelon, "Surfacing Gender: Reconceptualizing Crimes against Women in Time of War", in: Stiglmayer, Mass Rape, see note 20, 202.

A woman's relation to her body and to her world becomes even more profoundly transformed when she becomes pregnant as a consequence of rape. Forced impregnation was indeed part of the Serbian military strategy during the civil wars in Yugoslavia. One woman who was raped every other day by several men at a women's camp in Doboj was told, "Come on now, if you could have Ustasha babies, then you can have a Chetnick baby, too." She related, "Women who got pregnant, they had to stay there for seven or eight months so they could give birth to a Serbian kid. They had their gynecologists there to examine the women. The pregnant ones were separated off from us and had special privileges; they got meals, they were better off, they were protected. Only when a woman's in her seventh month, when she can't do anything about it anymore, then she's released."[39]

For the woman who has been impregnated through rape, the objectification that she had experienced becomes replicated in her feelings toward the pregnancy – a foreign thing in her belly. The U.N. commission that investigated the women's clinics in January 1993 found that out of 119 pregnancies that resulted from rape, 104 women chose abortion. One woman who gave birth to a child from rape said, "They took it away, washed it, and I never saw it." Another said, "if anyone had tried to show it to me after it was born, I'd have strangled them and the baby too ..."[40] While one woman described herself as being on the brink of madness while she was pregnant, others committed suicide. The woman is faced with the terrible dilemma that her own child is also the enemy's child, a mixture of both her own body and the evil that has invaded her. This split between one's own self and the enemy within remains a constant pain for the woman who does decide to rear the child, since the child's physical resemblance to the father-rapist is a constant reminder of the mother's torture. In these situations, the clash between love and hatred, acceptance and rejection mark the relation between mother and child, and the child's life becomes extremely traumatic as well.[41] In all of these instances, the objectification and attendant humiliation that the women underwent in sexual torture becomes replicated in their relation to their own bodies and their relation to the world. These feelings are exacerbated when pregnancy follows rape, and even more so when pregnancy leads to child-birth.

The experience of forced impregnation can be linked to the phenomenon of abjection discussed by Julia Kristeva in *Powers of Horror*. Confronted with this thing in her belly, the woman sees it as opposed to herself, her "I". Yet this foreign thing in her belly is also part of her. She does not assimilate it; yet in expelling it she is also expelling herself. The thing in her belly is at the borderline of systems; it is ambiguous and thus disturbs the possibility of an ordered system for the structure of the self. The thing in her belly is not only disturbing the boundary between her self and the other, but it disturbs the boundaries between friend and enemy, and between inside and ouside, since through the pregnancy the external enemy has become the enemy within. This violation of the borders of her self may cause the feeling of abjection, a complex feeling of loathing and abhorrence

39 See Stiglmayer, Rapes, in: the same, Mass Rape, see note 19, 119.

40 Stiglmayer, Rapes, in: the same, Mass Rape, see note 19, 131–33.

41 See Vesna Nicolic-Ristanovic, Women, Violence and War, Budapest 2000, 71f.

of that which is beyond the possible, tolerable, and thinkable. The analysis of institutional oppression below supports Kristeva's claim that this abjection is also the underside of religious, moral, and ideological codes.[42]

Several institutional factors contributed to a climate of patriarchal violence. First of all, the styling of masculinity in the military is conducive to misogyny and an inclination to rape. Some years ago in Jutland, Denmark during a Nato exercise, soldiers were shouting a drill song, "Rape! Burn! Kill!", which the officers explained "was only for fun".[43] The German sociologist Hans-Günther Vester writes about the shaping of masculinity in the military in the following way: "That does not mean that every soldier rapes. But it does mean that the construction of the soldier – or to express it differently, the subjective identity that armies make available, by fusing certain cultural ideas of masculinity with a soldier's essence – is more conducive to certain ways of behavior rather than others."[44]

Second, one must consider the role of political propaganda. For example, in 1992, a document called "Warning" signed by the Serbian ruling party, the Serbian Socialist Party, the Serbian Academy of Arts and Sciences, and the Serbian Orthodox Church, included the following claim: "Albanians, Muslims, and Romans (sic), with their high birth rates, are beyond rational and human reproduction." The document called for stimulating birth rate in some areas while suppressing it in others.[45] This political rhetoric was used to instill fear of a demographic threat to the Serbian nation and instill nationalist sentiment amongst the Serbs.

Third, one must consider the role of religious institutions in contributing to nationalist, misogynist, and militarist sentiment. In 1994 the leader of the Serbian Orthodox Church delivered a Christmas message which called for Serbian women to bear more children. Women who do not procreate sin against themselves, against the Serbian nation, and against God Himself. Women who do not bear many children "today bitterly cry and pull their hair in despair over the loss of the only son in war ...". This attitude is reflected in the aphorism, "for every Serbian soldier dead in battle in Slovenia, Serbian mothers must bear 100 more fighters!"[46]

Fourth, one must consider the role of educational institutions, which can be seen as controlled agents of socialization. A study of the elementary school textbooks published in the Serbian language in 1992 shows the existence of clear patriarchal patterns: in the textbook narratives, girls were characterized by responsibility, servility and charity, while boys

42 See Julia Kristeva, Powers of Horror, translated by Leon S. Roudiez, New York 1992, 3f, 209.

43 Arcel, Sexual Torture, in: the same, War Violence, see note 17, 202.

44 Hans Günther Vester, Emotion: Gesellschaft und Kultur; Grundzüge einer soziologischen Theorie der Emotionen, Opladen 1990, 144, quoted in: Seifert, War, see note 23, 61. For an exploration of the nature of masculinity cultivated by military institutions and practices in Germany in the 1920's, see Klaus Theweleit, *Male Fantasies*, 1 and 2, Minneapolis, 1987, 1990. Theweleit studies the fantasies of the Freikorps soldiers, who, so his argument, played a crucial role in the rise of Nazism. See also Cynthia Cockburn and Dubravka Yarkov, eds., The Postwar Moment; Militaries, Masculinities and International Peacekeeping, London 2002, for discussions of how the process of militarization, and militarizing masculinity, continues in postwar societies and in societies involved in peacekeeping missions.

45 See Todd Salzman, "Rape Camps, forced Impregnation and Ethnics Cleansing", in: Anne Llewellyn Barstow ed., War's Dirty Secret, Cleveland 2000, 65.

46 Salzman, Rape Camps, in: Barstow, Secret, see note 44, 66.

were characterized by courage, intellectual curiosity and adventurousness. The textbooks also incorporated material representing war in a positive manner. Thus, the creation of readiness for war and heroic deeds seems to be part of a systematic effort. These texts also define women's relation to war as the mothers or wives of those who wage war, or the victims of war disasters. A correlary to this elementary educational material is the disproportion between male and female university graduates, with life-long consequences for women's employment opportunities, economic independence and social power.[47]

All of these institutional factors – a militarized masculinity, patriarchal forms of nationalism and religion, inequality and bias in women's educational and employment opportunities – are inseparably linked, as Virginia Woolf already tellingly analyzed in her 1938 work *Three Guineas*. These factors connect the tyrannies and servilities of the public and private worlds, and they must be challenged in order to prevent wars.[48]

In addition to the corporeal and institutional violence discussed above, war rape and sexual torture are part of a system of representional violence.[49] The symbols that rebound in the war discourses include the following symbolic pairs: mother and nation, victim and aggressor, sexuality and death, pure and impure. In all of these pairs one can discern the unstable logic that Beauvoir illustrated in her discussion of symbolic representations. There is an ambivalence, where the one term is sometimes identical, and sometimes in opposition to the other term, and where woman becomes the mediating link that can sustain these fluctuating meanings.[50]

The identification of the mother's body with the earth and the territory of the nation is a deeply rooted symbolic coupling in many cultures, as in the Cheyenne Indian saying: "A nation is not conquered until the women's hearts lay on the ground. Only then is this nation finished. This regardless of how brave its men are or how strong its weapons are."[51] Hence, the rape of women is often equated with the rape of the territory, as in the 1937 Japanese massacre of Nanking known as the Rape of Nanking.[52]

Therefore, the nation takes the image of great motherhood to represent itself. This symbolic identification is typically used for ideological and political purposes to encourage reproduction. Thus, this discourse maintains the association of woman with her capacity as a reproductive vessel. On the other hand, this coupling between motherhood and the nation is not consistently maintained. When motherhood is connected with concrete women who have been violated, they are mostly left nameless and regarded as

47 See Isidora Jaric, "Militaristic Values and Promotion of Patriarchal Female Roles in Elementary School Textbooks on the Territory of Serbia and their Impact on the Social Position of Woman in Modern Yugoslav/Serbian Society", in: Slapsak, War Discourse, see note 14, 257–270.

48 See Virginia Woolf, Three Guineas, Oxford 2001, 130f.

49 See Biljana Kasic, "The Aesthetic of the Victim within the Discourse of War", in: Slapsak, War Discourse, see note 14, 280. My discussion in this section draws on this article, 271–283.

50 In this I am following Penelope Deutscher's argument in Yielding Gender, London 1997, about the instability of the meanings of women and the feminine that sustain phallocentric concepts of reason.

51 Arcel, Sexual Torture, in: the same, War Violence, see note 17, 184.

52 The Rape of Nanking took place during the Japanese-Chinese war of 1931–45. The massacre was a cruel orgy lasting a few weeks during which over 350.000 people were killed, and 20.000–80.000 women were raped. The massacre in general, not just the rape of the women, is referred to as the Rape of Nanking. Iris Chang, The Rape of Nanking; The Forgotten Holocaust of World War II, London 1997.

irrelevant by this nationalist discourse. Indeed, lingering on the fate of particular victims may be viewed as endangering the sustenance of nationalistic loyalties.

Women also symbolically become the mediating link between the image of victim and aggressor. Thus, the woman as victim becomes a public part of this discourse, which fits well with the social role of women in public. If the mother is victimized, then the nation must be the pure victim as well, and its enemy must be the pure aggressor. This logic is used to justify aggressive military strategies, in order purportedly to protect raped women. This logic ultimately relies on the instability of the dichotomy between victim and aggressor: by virtue of its identity as victim, the nation can become the aggressor without losing its status as threatened victim. The identification of women with the image of the victim reiterates the image of the weak, voiceless woman whose body rather than whose words communicate her fate.[53]

Woman also becomes the mediating image in representations of sexuality and death. In "peaceful" times, woman's body is portrayed as the erotic object of male sexual desire, as evidenced in advertizing and pornography. In war time, her body also becomes projected as the receptable for feelings toward death, which in some men might constitute necrofilia.Thus, the picture of the idolized woman is replaced by the picture of the violated and dead woman. The symbolic opposition between sexuality and death turns into the literal identification of the two, when erotic desire becomes connected with aggressive military dominance. Thus, an erotization of violence takes place on the symbolic level that is not always present on the phenomenological level.

In all of these ambivalent pairs – mother/nation, victim/aggressor, sexuality/death, it is the pure woman who is idolized and the polluted woman who is hated. Bosnian Muslims frequently cite the story of Emina, a young Muslim woman who sought to defend her village against the Serbian Chetniks in World War II. Unable to hold them off, she said, "Only leave me my honor; I will forgive you my death." And in 1980, Pope Paul III used the image of a young woman who had died resisting rape as an image of female purity. Yet although a woman's purity is to be preserved, she is the first to be accused if it is lost. If a woman accuses a man of rape in Islamic culture, it is judged before a religious court which requires four respectable Muslims to have witnessed the event in order to render a guilty verdict against the perpetrator.[54] And as polluted, a woman is worthless – hence, the reaction of the Muslim father who gave his raped daughter a rope to hang herself, and the reaction of husbands who divorced their raped wives, and women's own fear that their rape would be discovered by their husbands. Honor and purity thus became an item of symbolic barter during war-time violence. A perpetrator would claim, "it is an honor to belong to me", and bearing his child would purify the woman of the pollution of her ethnic identity. Yet this "honor" is felt as a defilement by the woman and viewed as a dishonor by her own community.

53 See Inger Skjelsbaek, "Sexual Violence in the Conflicts in ex-Yugoslavia", in: Slapsak, War Discourse, see note 14, 134.

54 See Salzman, Rape Camps, in: Barstow, Secret, see note 44, 81.

III. Ethics and Repair

I have tried to illustrate that de Beauvoir's insight into the phenomenological, institutional, and symbolic levels of ethics makes a crucial methodological contribution to feminist ethics. The work of repair in ethics must consist of interventions on these three levels. In the remainder of this paper, I will look at the proposals put forth by feminist theorists that ethical repair is best understood through the concepts of "witnessing"[55] or of an "ethics of dissensus".[56]

In considering what kind of ethical repair is needed for one who has suffered the humiliation and degradation of sexual violence in war, intersubjective and dialogic relations are crucial. It is through establishing safe intimate relations and public forums in which individuals can risk speaking about traumatic violations that individuals and communities can begin to recover. Psychological studies of trauma, like Judith Lewis Herman's exemplary *Trauma and Recovery*, show how such recovery may take place through establishing safe relationships between victims and family members, friends, and support groups. Notably, the intersubjective interaction in which an individual narrates the trauma is not a confrontation between victim and persecutor – although the dream of having one's day in court may lead to staging that confrontation. The philosopher Susan Brison also emphasizes the necessity of narrating one's trauma to emphatic others in order to rebuild one's trust in the world and to acknowledge that one's autonomy is dependent on others.[57] In this respect, the focus on intersubjectivity in an ethics of recovery steers away from one of the central features of Hegel's discussion of recognition, namely that recognition occurs through a dialectical relation between *antagonistic* forms of consciousness.

As Herman's research indicates, in order for a victim to heal the wounds after trauma, she must establish safe relations with people who themselves have relations which help them bear the burden of trauma. One of the ethical implications of this psychological research is that the condition for ethical repair and recovery from past traumas is an interlocking network of relations amongst a plurality of subjectivities. The nature of the public narrative set in process by these linked relations is crucial for the possibility of affirming the truth of victims' experiences, their identities, and political rights.[58]

Kelly Oliver, in her book *Witnessing,* is concerned with the question of how to repair subjectities that have been destroyed by torture or enslavement. She proposes the notion of witnessing, a non-antagonistic model of intersubjectivity which includes the addressability of the subject who can speak of trauma and the response-ability of the one who is addressed. Together these moments constitute the process of witnessing which,

55 In the section on witnessing, I will discuss Kelly Oliver's suggestions in Witnessing; Beyond Recognition, Minneapolis 2001.

56 In the final section, I will discuss Ewa Plonowska Ziarek's suggestions in An Ethics of Dissensus, Stanford 2001.

57 See Susan Brison, Aftermath; Violence and the Remaking of a Self, Princeton 2002, 38–66.

58 See María Pía Lara's discussion in Moral Textures, Cambridge 1998, e.g., 152. Herman argues for the importance of the public discourse on trauma as well.

according to Oliver, should be taken as the paradigm for subjectivity. Witnessing bears the double meaning of eyewitness testimony, which refers to the subject's position as spectator to an event, and of bearing witness to something that cannot be seen.

Oliver follows Luce Irigaray in arguing that we need to move "beyond recognition" in order to think the "recognition of difference".[59] She proposes a notion of subjective relations based on a model of the loving look that involves all the senses and which moves away from the model of the objectifying look. Citing Irigaray, as well as black feminist writers like bell hooks and Patricia Williams who are inspired by Martin Luther King's proclamation, "I have decided to love", she proposes a love ethics which stresses the primacy of connection instead of alienation. For Oliver, the ability to address and respond in intersubjective relations is a testimony of love, which affirms our relation to the world and to other people.

Does Oliver's notion of the loving look adequately attend to the ethical needs of a subject who seeks to recover from traumatic events? On the one hand, Oliver does point to the need for multiple non-antagonistic relations involved in ethical repair, and from this perspective her discussion of witnessing is fruitful. On the other hand, her move to an ethics of love is accompanied by a utopianism that overlooks the fundamental role of ambivalence and conflict in loving relations as well. Conflicts, disagreements, and ambivalence, whereby both hatred and love are simultaneously directed toward the same person, are part of the intersubjective dynamics of all love relations.[60] Like Irigaray, she underplays this conflictual and ambivalent dimension of the very human relations that she takes as her model for witnessing. Even in the supportive, non-antagonistic relation between patient and therapist, the therapist needs to set sharp rules about contact so as to avoid the complete invasion of her emotional life by the patient's trauma. At other times, the therapist finds herself identifying with the patient to such an extent that she feels that her professional skills become jeopardized. In intimate relations as well, the very loving relation that ought to be a source of recovery from trauma may become a repetition of the trauma.

Moreover, on a societal level the notion of the loving look is not adequate to deal with the complexity of the process of recovery. Societies seeking ethical repair – e.g., in the former Yugoslavia, in post-apartheid South Africa – need to address the fact that some of its members were perpetrators and some of its members were victims. Not only would it be unrealistic, but also morally disrespectful of victims, to view the task of reconciliation as a transformation of the totalizing antagonisms that were constructed through war-time propaganda and violence into relations of love. More plausibly, reconciliation would enable those who have suffered violence to publicly affirm the truth of their experiences, the validity of their identities, and their claim for equal political rights. These tasks presuppose

59 Oliver, Witnessing, see note 54, 9.

60 See my discussion of the role of ambivalence and negativity in Irigaray's ethics in "Irigaray, Evil, and Negativity", in: Debra Bergoffen and Hugh Silverman, eds., Reading The Ethics of Sexual Difference, Evanston forthcoming 2003. I would argue that although Irigaray does not sufficiently develop her analysis of ambivalence in both intimate and non-intimate relations, she does open up avenues for this inquiry that are bypassed by Oliver.

the view that although human relations are not necessarily structured by relations of *domination*, human *conflict* persists in multiple and changeable forms. Hence, there is a need for public forums for judging and mediating conflicts. Witnessing can be considered as one of the achievements of such public forums. The person who testifies to traumatic experiences can be said, as Oliver argues, to be re-constituting an inner witness even as the testimony is addressed to an external witness.[61]

But one also must face the issue of false witnesses, that not all who are present at a testimony accept the moral task of listening. This issue was keenly present during the work of the Truth and Reconciliation Commission in South Africa. Since all who testified were offered amnesty for their crimes, there were many cases of police officers who participated in the formal ritual of testifying in order to insure their jobs and their pensions, while indicating contempt and arrogance for the proceedings. Oliver does speak to the issue of false witnessing, which she describes as a result of closing off, of refusing to work through one's blind spots or to attend to the power differential between subject positions, and refusing to value differences. But this analysis does not provide the tools for healing for the victims when false witnessing occurs. Thus, witnessing needs to be complemented by other strategies, which may include punishments, restitutions, and affirmative measures to establish social and economic equality. In claiming that witnessing is the basis of all subjectivity, Oliver overlooks the element of conflict within the process of witnessing. Moreover, she marginalizes the institutional and symbolic constitution of embodied ethical subjectivity that are crucial both for ethical violation and recovery.

In contrast to Oliver, Ewa Ziarek in her book, "An Ethics of Dissensus" maintains a focus on the antagonistic dimension of "discourse, embodiment and democratic politics".[62] She underscores that there is an ineradicable aspect of conflict within individual subjectivity as well as between subjects in struggles against domination, injustice, and inequalities. Her term dissensus, from the Latin *dissensio*, meaning disagreement and struggle, indicates that the work of ethics is not based on achieving consensus, as Seyla Benhabib would argue, but is based on negotatiating irreducible conflicts. The term dissensus is also meant to highlight the root *sensus*, pointing to the sensuous dimension of ethical relations. Thus, dissensus refers both to the failure of formal linguistic consent and the material conflicts rooted in sexual drives and social relations. Ziarek seeks to work through an ethics that is based on respect for and responsibility toward the Other, what she calls an ethics of alterity. Like Oliver, she draws on the work of the French philosopher Emmanuel Levinas, who argues that responsibility to the Other is prior to individual intentionality or will. Ziarek differs from Oliver, however, in emphasizing the irreducible element of conflict in ethics. In referring to the work of the black American writer bell hooks, Ziarek notes that one cannot separate love from rage, or separate ethical obligation from the existence of antagonisms.[63] Conflicts exist both within individual subjects, what Julia Kristeva calls the internal alterity within the subject, and in intersubjective relations.

Ziarek's term dissensus is still linked by opposition to the term consensus, which gives

61 See Oliver, Witnessing, see note 54, 105.

62 Ziarek, Ethics, see note 55, 1.

63 See Ziarek, Ethics, see note 55, 214.

priority to the discursive dimension of ethical negotiation. One might well choose the more commonplace term "conflict" instead, to refer to the multiple dimensions of conflict that exist on phenomenological, institutional, and symbolic levels. In contrast to the widely used phrase amongst feminist philosophers, an "ethics of care", an ethics of conflict underscores that even relations of love and care are not free from destructiveness and ambivalence. Moreover, an ethics of conflict points to the institutional clashes that are involved in war-time violence, as well as the symbolic contradictions that maintain ideologies of domination. This approach points to the irremedial dimension of failure within ethics, which cannot be put aside even while one engages in the constructive and creative future-oriented visions of repair and social transformation.

In referrring to the work of repair in ethics, Ziarek uses phrases like "recognition and respect for the alterity of the Other" and "just judgment".[64] Given the irreducible element of conflict in ethical relations, one must ask how these terms are meaningful in the face of their failure. What effects do the concepts of respect for alterity and just judgments have when they are patently lacking in practice, as in cases of active or passive participation in inflicting physical or psychological violence? These terms are useful for the educative work necessary to invigorate the future of democracy. But they are less useful for facing the present transgression of ethical relations. Another term invoked by both Ziarek and Oliver – namely that of responsibility – is more useful for addressing the paradigm case of violence. In recovery from violence, the victim needs to place responsibility for transgression outside of herself, and she is enabled in this task by the interlocking links of human relations. The perpetrator is faced with the demand to acknowledge responsibility; sometimes this demand is successful, sometimes unsuccessful. But even when responsibility for wrong-doing is not acknowledged by the perpetrator, responsibility can still be assigned. Respect for alterity, however, cannot be assigned to a perpetrator by the victim or the public. Hence for Hannah Arendt, the crucial dimension of ethics in the contemporary world is that responsibility exists even though it is disassociated from subjective intentions.[65]

I have tried to show that ethics must take the concepts of failure and conflict as central in order to address the persistent realities of conflict in human relations. In order to analyze violence, ethics must include phenomenological, institutional, and symbolic dimensions, even at the risk of trespassing boundaries between ethical and political analysis. This project is specifically feminist in taking its inspiration from an analysis of sexual atrocities that philosophers have typically ignored in their ethical reflections. But the implications of an ethics of conflict are not limited to addressing issues of sexual violence. Rather, it suggests a strategy that is productive for ethical analyses of oppression and violence more generally. The concept of witnessing is important for addressing one dimension of ethical repair, but it is not definitive of ethical subjectivity or ethical repair. Responsibility, not merely in terms of the subjective ability to respond but in terms of an intersubjective and public judgment of responsibility, is decisive for both individual and collective ethical repair.

64 Ziarek, Ethics, see note 55, 200, 94.

65 See Susan Neiman, Evil in Modern Thought; An Alternative History of Philosophy, Princeton 2002, 272f.