

is called free—meaning they and their families are not literal captives of armed men.

What do we owe them, women for whom “you were lucky if they only raped you”? What will make it possible for them to speak of what was done to them? As one survivor put it, “I have no use for telling you the rest. I have no security. I have nothing.” When the films of her rape are sold as pornography—emblem of democracy and liberation in post-Communist Eastern Europe and increasingly protected as speech worldwide—she will have even less than that.

Rape as Nationbuilding

The conflagration in Croatia and Bosnia-Herzegovina has been going on for more than three years. The bodies of the raped continue to pile up in public view. What is going on here? Arguably, we are witnessing a formative international as well as national governance process with profound implications.

The conflict in this region is a genocide euphemized as “ethnic cleansing.”¹ This campaign of extermination of non-Serbian peoples is being carried out by a phalanx of Serbian fascists in collaboration with the regime in Belgrade for political expansion and hegemony through ethnic uniformity, to achieve the “Greater Serbia” they have long planned. It is a genocide through war. It is not a war in the usual sense of armies fighting against other armies retreating and advancing over territories, or guerrilla bands from one side raiding troops and towns of another side. The sides are defined not by place or governmental allegiance or politics in the conventional sense, but by ethnicity. The objective, what is to be conquered and possessed and subdued and subjugated and ruled by force, is a land grab, but the targets are people. Ninety percent of the casualties are civilian.² This is a war against people.

In the standard lexicon of war, the closest term we have for this kind of war is “civil war.” In Croatia and Bosnia-Herzegovina, though, it is a misnomer if it means two sides fighting each other. Or it was until after some years of describing it that way—years of treating a war of aggression against people who have no armed forces and are forbidden to arm themselves, as if this were equal and reciprocal aggression, years in which the international community trivialized the attacks and distanced itself from them as if this were a domestic dispute, years of treating it the way most

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states treat rape in marriage—and in large part because it was treated that way, now the international community has its civil war, or elements of one within what remains international aggression.

In the genocide that is the engine of the onslaught, all non-Serbs go, dead or alive. To this end, systematic rape has been a prominent weapon, planned and ordered from the top as well as permitted on a wide scale. Muslim and Croat women and girls are raped, sometimes killed afterward, sometimes their corpses are sexually violated by Serbian military men, regulars and irregulars in various formations, and also by neighbors, on their doorsteps, on hillsides, in camps—camps that were factories, mines, sports arenas, restaurants, animal stalls. Sometimes men are raped as well on the basis of their ethnicity. Some of the rapes are filmed and photographed as pornography and propaganda. The women are raped to death or raped and made to live with having been raped. This is rape as forced exile: to make you leave your home and never go back. It is rape as spectacle: to be seen and heard and watched and told to others. It is rape as humiliation, for certain men to take pleasure from violating certain women, or certain men, or to take pleasure watching certain men be forced to violate certain women or girls. This rape is torture; it is sex and ethnic discrimination combined. It is rape as ethnic expansion through forced pregnancy and childbearing. It is rape to establish dominance, to shatter a community. It is rape to destroy a people: rape as genocide. It is rape as nationbuilding: to create a state.

What has the world's response been? To watch, let it go on. No doubt some people are horrified. But at the same time, these rapes seem to have fallen into some deep well of understanding and empathy, into the arms of de facto world condonation. Call it history, call it geopolitics or realpolitik, call it complacency, call it isolationism and lack of a national interest, call it fear—whatever it is, a lot of other men have a lot of respect for it and give it a lot of rope. Tolerance is what emerges from the foot-dragging reluctance, the excuses, the jockeying for position, the vacillations, the evasions, the denials, the cover-ups, the slippery-sloped sovereignty arguments, the doubletalk, the procedural morasses,³ as thousands upon thousands of rapes sink beneath public view while being carried out in plain sight. If you read what the world's leaders do rather than listen to what comes out of their mouths, what you see is that many of the men who run this world recognize something, identify with something, in this conflict. It reminds them of something. The Serbs could win. This is how states are made.

The fact is, the more the Serbs rape and kill, the more respect they get,

the more dignity and seriousness the demands of these international war criminals are accorded, the closer they come to being able to get away with it all, and the clearer it becomes that this is one way communities are destroyed and states are created: by whom you can rape. The same acquiescence in this process underlies the much-heard palliative response these days beyond even the one that it is happening on all sides here.⁴ It is: rape happens in all wars all the time. Relax. This is no different from usual, why get so exercised? Well, does one have to be surprised to be violated? Perhaps it is more unvarnished, undiluted, unashamed, undisguised, intentional, blatant this time. This time, women refuse to be silent about it. But suppose it *is* always there. They *always* do this? Getting away with *this* creates that legitimate monopoly on force of which nation-states are said to be made? This puts might makes right in a whole new light.

In this system, violating other men's women is planting a flag; it is a way some men say to other men, "What was yours is now mine." He who gets away with this, runs things. Doing this institutionalizes the rulership of some men over other men even as it establishes the rulership of all men over all women. You cannot govern the dead. Better that those you rule live in terror, knowing you have something over them, knowing what you can do to them at any time. This makes the power of government look like a form of the power of the rapist over the raped. Is this a dynamic in how states are run internally as well, in between their international conflicts? There, too, men define who they are in relation to other men and over all women by which women they can get away with violating. In this light, perhaps rape in peacetime, which no state does anything serious about, which is seen to violate human rights nowhere because humanity is not something women as such are thought to have, especially sexually—perhaps this is a way to keep state power at once out of the hands of women and over all women, as well as away from some men. Perhaps permitting rape of women by men, or all women by some men, is a device of internal order within states, of defining hierarchy of men over women and other men, just as it is between states.

In the male system, rape of women becomes an act by some men against other men. Women become a way men establish their power among one another. For raped women, it is always an act against women, often by certain men against certain women. In other words, it may be a sign and form of expression to men, a way men communicate with one another, but to women it is a real violation. As often happens when men plant flags, someone was already living there.

In the Bosnian situation, instead of being understood as male supremacy

or xenophobia, the culprit is often said to be nationalism. When men begin behaving to some other men and women the way they have been behaving to "their own" women all along, it is not called male dominance, it is called nationalism. Serbian fascists are called Serbian nationalists, as if their victims object to their having a nation, rather than to their having a genocide in order to have one. Every nation has its fascists; the question is, are they running your government? My clients are called nationalists for describing their rapists in the terms in which the rapists describe themselves: as Serbs. Women survivors of Serbian genocide are called nationalists, the same as their torturers and killers, for thinking they should not be tortured and killed because of their ethnicity. In this discussion, if you own yourself, claim yourself and identify with your own community, and publicly resent being raped because you are a member of it, you are called a nationalist. I have never heard Native Americans called nationalists for objecting to being subjected to genocide and for wanting their own nation back.

The charge of nationalism, like calling this a "civil war," is one more way to avoid calling it what it is: a genocide. The "civil war" cover-up is the latest symmetry trap, equalizing aggressor and aggressed-against—as if a will to exterminate is the same as a will to survive extermination, as if a fascist concept of nation is the same as a multiethnic one. It is as if those who are raped and killed because of the group to which they belong should find some higher, more enlightened, less particularized ground from which to object to their rape and murder. Objecting to it on the ground on which it is happening apparently is not good enough.

If the process we are witnessing is a part of a process through which nation-states have often been created, it also raises the question whether the international order has been built, and will continue to be built, on the same basis. No nation, not even any democracy, is accountable to women. Will international law be? Auschwitz raised the question whether poetry survived it.⁵ Is there international law after Bosnia? Or will these rapes and the handling of those charged with them set off a new round of more of the same on the ground, at the negotiating table—where men make deals and there are no women—and in international tribunals? Will these violations of women only intensify as authoritarian regimes fall and democracy spreads, opening opportunities for yet more men to more freely violate women along lines formerly suppressed but always there? Will all these raped and tortured and murdered women become just another bargaining chip in building a state, sucked into men doing their business as usual, with even the international adjudication of the crimes against women becoming just another move in men's politics with one another?

A principled vision to animate a new international order could begin here: not only that rape would end, but that it stops working. That men stop using violation of women to get what they want from one another because it is no longer functional or effective. Because it gets contempt rather than respect. Because the world mobilizes to get in the way of it instead of standing around and watching it and rewarding it with territory and rule. Because those who do it are cast out of the human community instead of being treated like diplomats. Violation of women should violate the real rules, not just the rules on paper, rather than being a part of the unwritten rules, so that states are built on the backs of women on their backs no more.