

The Women's Court

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Violence and Healing: The War and the Post-War Period from the First Generation and Beyond¹

The war and war violence in Yugoslav countries (hereafter: "in Yugoslavia") took place in their most brutal forms from 1991 to 1999. The post-war violence of varying intensities has never been discontinued since 1999, and has been going on to this day. Besides *the first* and the most affected generation by the war, *the second generation* that grew up in peace – however unsatisfactory that peace may have been – now takes part in reflecting on the occurred past and present violence. It is possible that views of these two generations do not coincide completely. For the third generation, the war may already be history, which does not mean that its traces and consequences are eliminated or healed.

The women's war and post-war direct testimonies and incredibly sharp observations clearly highlight, criticize and condemn the local patriarchy, entangled in the social-economic system, in the war and in the peacetime order. Courageously and with great lucidity and hope in the accomplishment of justice, they draw attention to the wartime expulsions, exile or even imprisonments that are often extended beyond the conclusion of peace (resulting in becoming homeless due to expropriation or the destruction of homes, forced evictions, exodus, deportation...) They emphasise and denounce the brutality of the physical and sexual torture of women, girls and even infants, and sometimes even violence against men, regardless of the motivating cause ("ethnic", "political" or other). They highlight and condemn nationalist bestialities of every kind, committed by state armies, by national self-appointed units, by militias and terrorist groups of most diverse denominations, by the neighbours and friends, by enemies, the crimes committed against individual females, as well as against their extended families and communities. They emphasise the militarization, and societies turning rude and wild overnight. They underline the consensus that, to a large degree, exists around the *systematic impunity of violence against women*, including violence after the war. Indifference in this regard prevails in society as well as among state authorities. The testimonies demonstrate an excellent

¹ I would not have been able to write this one and some other texts without gaining insight from the preparatory work for the Women's Court and from the statements and testimonies of women witnesses, thanks to the patient and remarkable work of the Women in Black group (Belgrade) and by other feminist groups or peace associations from Yugoslavia and post-Yugoslavia. For this, i am especially grateful to Staša Zajović and Women in Black's energy and commitment to gender justice. My special thanks also go to Lina Vušković who patiently read and commented the original of the present paper (and some others), submitting queries until we clarified ambiguous points. Thanks to her, the text is more readable i am sure, and the author is exclusively responsible for all places that have remained obscure. The shortcomings of the original as well as of the translation that i also interfered with in order to check the philosophical coherence, are mine since i am not (neither is the translator, whom i thank for her efforts) a native speaker of English (R.I.).

level of political analysis of the economic violence and property relations, of the change in the social-political system and its connections to all other forms of violence in a patriarchal society. Although, on the whole, they appear fragmentary and lacking in accompanying explanations and context, some of the testimonies are tiny amazing pearl of conciseness, of *precise thought born from tormented and tortured lives*, and are sometimes complete political programmes. All testimonies speak about the great and irreversible loss of the dearest ones, of property, of peace and good life, as well as about the bereavement of one's own selves, in terms such as: "On 15 August 1992, I died. I am alive. Because I need to tell the truth (...)."

What can we conclude from the testimonies?

An overall devastation

Having read the women's testimonies on the economic, ethnic, sexual and militarist violence during the Yugoslav wars of the nineties and throughout the post-war period, we may be tempted to hastily conclude on some of their common features, while overlooking the scope of a potential future project to grow from the expression of feminine receptivity and derived from it. Jumping to conclusions could lead us to see only the testimonies' dark sides ("it is all terrible and hopeless" - a view that would not be completely wrong), and not the astoundingly lucid reflections that the women get from them, or that we can ourselves draw by analysing them.

What should certainly be taken into account in the scrutiny, and *what, by the nature of things, is not abundant in the testimonies, is the international context* (in all the phases during these two and more decades). An "objectivised" trans-Yugoslav narrative of the country's falling apart is also missing – but it is in a way nevertheless suggested through diverse *individual* testimonies that paint *together* a complex mosaic.² **The testimonies**, that give partial pictures since they are focused on individual fates, nevertheless highlight, in the complexity of causes and conditions of war, two main aspects: 1) the "redistribution", i.e. *plundering* – at the end of socialism – of social wealth, and 2) the general international circumstances in which this was taking place: we know them through retrospective historical deduction to be neo-liberal (the latter is however less obvious with individual witnesses). The two aspects are closely connected, but in different manners within different stages of the process of war and of the subsequent "transition." The plundering of "nobody's" social wealth by the new elites multiplied by 8 (i.e. in each of the eight constituent units of the former federal state) would not have happened had the international loans taken by SFRY with the West not come due at that time³. The unifying umbrella of the League of Communists here proved to be

² This would be an important topic to develop, but it is not our task here.

³ For a more thorough analysis of history, as well as the beginning of the history of the Party's of falling apart and subsequently of that of the SFRY, which was a party state, see Darko Suvin, *Samo jednom se ljubi*, Rosa Luxemburg Stiftung, Beograd, 2014. Our description here is just a cursory one and without references to documentation.

powerless in maintaining the cohesion and it soon fell apart. The leaderships at the level of federal units had already contributed to the rise of nationalisms by shifting the responsibility for the crisis to other republics and blaming the federation. Western creditors chose to put their trust in the nationalist leaders Milošević and Tudjman – nationalist winners of multi-party elections in Croatia and Serbia - rather than in the reformed communists represented by the last federal Prime minister Ante Marković⁴. A house without foundations - worn-out, uncompetitive economy, and without a roof - the League of Communists, the former hegemonical authority having collapsed, came down when people started seeking refuge in the next readily available authority : the nation. There, new oligarchs (former party-state and economic powerbrokers) found their way in and hastily “bought up” the companies and estates across the country for nothing. Overnight, people lost their jobs (for various reasons, ethnic, political, economic and other, and women foremost), they lost their bank savings, and were left without authority to appeal to and from which to seek legal remedies. Suddenly, there were as many nations as there were oligarchies in becoming, eager for their own piece of the pie and ready to wage war for it. Overnight, any kind of legal order disappeared through the overall pillage, and there was no end to crime. Bank savings and properties were seized from people; various social benefit institutions were forcibly made to melt away, existing social funds were depleted (pension, housing, health, and education), looting flourished under the nationalist excuse that it was “others” who had taken everything from us.

The “international community”, however, did not consider the anti-nationalist oppositions or their unification worth of being supported. It saw the solution in the transition from socialism to capitalism rather than in the reform of socialism.

A nationalist discourse, well described in feminist literature and elsewhere, has been used to justify the state of anarchy, crime, mafia, looting, violence and war. It served the purpose of war mongering and it has not fallen silent even today, some twenty to twenty-five years after the war.

The women’s testimonies suggest that a deeper legislative overhaul will be needed across the Yugoslav countries in order to address these problems and seek legal remedies. As far as property relations are concerned, beyond and even regardless of the violence, of the dispossession and the deprivation suffered, what remained after the war is mere chaos and human conditions practically impossible to resolve.

The testimonies, to start with, cannot easily be categorised as dealing separately with economic, ethnic, sexual or militarist violence. We then claim that a great deal of such long-term, diverse and profound brutality has been

⁴ Of course that Ante Marković’s economic program was a neo-liberal one and went with the grain of the “international community”, so that despite its initial real success it would probably not have led to a more egalitarian society. However, if this program had received international loans (which it didn’t), it may have been possible to preserve the unity of country and to avoid war. Or it may already have been too late, in case the nationalisms had already gone too far – which is plausible.

turned into constant *structural violence* so that we nowadays live in violent societies. The first thing that we observe is that there is a continuity between those supposedly separate forms of violence, and that *all, each and every one* of them, can be classified as political, but also as social, in addition to the specific qualification of each of them. Another continuity that we observe is the one between the war and the post-war violence. Several women say it explicitly.

If there is continuity between the war and the post-war violence, *how then not to assume that there has been a continuity between the pre-war and war violence against women too?* We here refer to the SFRY, itself not at all flawless with regard to women; after all, none of the known countries are (*toute proportion gardée*). Such continuity undoubtedly exists, and therefore should be described. But the conclusion about the timelessness of violence against women and against other “weak” groups in society should not lead to the conclusion about “an eternal feminine” and its fatality, about the immutability of the status of women and about a supposed normality of violence against them. On the contrary. To claim that there has been continuity in the violence on women at all times leads us to think of the need of understanding its different circumstances, common traits and causes in view of seeking repair. Feminist “theory” and “practice” cannot move away from one another. There is evidence of the timelessness of violent hostility towards women, by which brutality to other groups – depending on the historic segment - can by no means be denied because, on the contrary, all those different types of violence are connected, concordant, interdependent and complementary. Such facts cannot lead to fatalism, but to the probing of women’s knowledge and into further struggle: we are sick and tired with eternal brutality.

The most important conclusion from the tribunal will relate to the women's *demands in view of* the building of a future just and democratic society that includes gender justice. This will also take into account their political, social, economic and cultural claims as well as the proposed legal remedies. The horizon of women’s *cultural* expectations⁵ should be taken into account, as cultural aspects are most easily disregarded. The democracy we aim at cannot be achieved through a merely formal “state” democracy (or a “democracy” usurped by the state), but it must also comprise sex/gender democracy, equality before the law as well as material equality. And of course, it should be an effective democracy regardless of the demographic social fabric disrupted through the war and in a society that is still plural (though traumatically altered) from the ethnic, national, linguistic and all other points of view, in addition to all the other war-related disturbances.

Along with *mass rape*, “*ethnic cleansing*”⁶ has certainly been the most dramatic aspect of the Yugoslav wars. Neither was a “specialty” of this or that people, this or that nation or even the Balkans, but, as a rule, they came

⁵ For example, coming out of a militarised culture and militarised society that had become more primitive, more rural and more violent than it used to be on the eve of the war.

⁶ Though the term is problematic in several respects, it is commonly used. We nevertheless use it and cannot initiate here considerations of its inadequacy.

together. Ethnic (racial; national) and sexual violence heavily supported one another in various proportions. Ethnic or national violence has usually a clearly described perpetrator: the state, the authorities, a state-in-becoming, a nation-in-becoming, an army, or some militia in their name. A slight shift in thinking is needed in order to see that the sexual war-violence - and even the violence in troubled neither-war-nor-peace circumstances – actually has the same perpetrators, and not merely “individuals”. This also holds true for situations in which "our side" is supposedly not at war, i.e. when "our" troops wage war on the territory of the others. When describing such situations one should in principle distinguish between the civilian population and an army. But in civil wars – and this is what those wars basically were, although they can claim some hybridity too – such a distinction is almost impossible to make. In any case, in those wars, it is the civilian population that suffers most, and conditions of *apartheid* are created in war zones if the population that is considered “allogeneic” has not been completely deported through the “cleansing”. The post-war economic stalemate, unresolved and unsolvable political, property and other relations in Yugoslavia's successor states have led to a long-term stagnation in all aspects of life. The horizon of any kind of political solution of the complex questions resulting from the warfare has been erased.

As a consequence of the war, almost everyone in the region blames the others, which is completely in disharmony with feminist ethics, and actually with ethics as such *in general*.

To summarize, Goran Fejić describes it as follows⁷:

By shifting the responsibility for the economic crisis and the soaring inflation to “others” and to the federal government, local nationalist politicians were trying to save their shaken political legitimacy. Along the way, they were stirring up the feelings of every national group for being the victim of others or of some Leviathan of the federal command system.

Industrialised Slovenia, exporter of finished goods, wanted to keep a larger part of the earned foreign currency. Less developed republics complained about subsidizing the industry of more developed republics by their supply of cheap raw materials. Ethno-nationalisms kept boosting one another and filling the vacuum left by the depressing reality, the disappearance of ideology and the absence of any trans-Yugoslav public space where divergent interests could be cleared through dialogue and produce something new. Our crisis was only producing, dumb and murderous identity rage.

In April 1990, nationalist parties won the elections in Slovenia and Croatia, while Milošević received electoral blessings in Serbia in December of the same year. In a booming voice, he was leading his “anti-bureaucratic revolution.” After abolishing the autonomy of Kosovo and Vojvodina (the two “autonomous regions”), he supported nationalist aspirations of Serbs in

⁷ The passage in italics that follows is his, for which I thank him. And I also thank Goran Fejić for his critical remarks and attentive reading of my papers in general. Thanks to him this version should be more satisfactory.

Croatia and Bosnia. Tired by the crisis and the sclerotized regime, the people followed its new prophets. In Serbia, this came to be known as “the advent of the people.” At the beginning of his rise, Milošević named Kosovo’s disobedience a “counter-revolution”, but very soon thereafter, he abandoned any kind of Marxist rhetoric. The objective was no longer the “well-being of the working class”, but the “well-being of the Serbian nation”.

In Croatia, as much as in Serbia, the press was hammering on the subject of intractable enemies: in Belgrade, all Croatian nationalists, and soon all Croats without distinction, were called ustashas. In Zagreb, the very idea of Yugoslavia was being increasingly translated as a synonym for Serbian expansionism. Soon, they would talk only about “Serboslavia” and call all Serbs chetniks.

Ante Marković, the reformist Prime Minister, tried to oppose the growth of nationalist forces by launching a new reform program and insisting on the need for a fast-track integration into Europe; he also founded his own party – the “Party of Democratic Changes.” It was like a breath of hope, but it happened to be short-lived.

Ante Marković's party never really managed to take off. The nationalists blocked it. The demolishers of the country had already seized control in both Belgrade and Zagreb, and thus elections at the federal level never took place.

Why did Europe turn its back to Marković so fast, hurrying to enter into dialogue with the new nationalist leaders (and “vožds”⁸ of the people)? I do not think that this was a strategic choice. It was rather a matter of absence of any kind of strategy. In its somewhat simplistic post-Cold War triumphalism, Europe and the West had in general fetishised the electoral event and therefore could and did not want to deny the victory at the elections in the federated units⁹. Once the war started, the cessation of hostilities became the priority objective so the “international community”, naturally, began negotiating with the warlords who, resorting to bombs, became unavoidable interlocutors.

The specificity of violence against women

Everyone knows about “the” specificity of sexual violence against women. It is less known that there is specificity of violence against women in *other areas* as well, e.g. in the area of economic violence. With certain categories of women, such as Roma women – who were or are victims (as well as fighters and survivors) in every respect, all these forms of violence accumulate. All other forms of violence, including those that do not concern women directly, are expressed *through sex and gender hierarchy and reinforced by it*. That is precisely the specificity of the violence against women: it appears to multiply, to take the lead and to validate the paradigm in *any other* form of violence.

⁸ Vožd is an archaic Serbian title, the word for “leader” (translator’s note).

⁹ Nevertheless, in 2006 Europe would refuse to recognize the victory of Hamas in Palestine. G. F.

In a situation of warfare and of the subsequent post-war havoc (even in places where there was no war (the "Erased" in Slovenia; women workers in Montenegro), women were far more rapidly and profoundly affected by hasty privatisation, plundering of public property and by widespread looting. This is best evidenced by Montenegrin women workers, though the processes were similar everywhere. Before completely losing their jobs, they were utterly exploited for a long time, for months and even years: they were not paid their salaries, or were paid just a part and with intentional delays, the whole accompanied by a range of explanations or without any explanation. Diverse kinds of blackmailing and extortions made them unable to file complaints and then, there was often no one to complain to. At best, they were given the minimum wage, but even then their pension contributions and insurance were not paid, which they were not even aware of since they were not receiving any payslips. They could not go on maternity leave, or, alternatively, they would be forcibly sent on "leave"; or, again, they were forced to work unpaid overtime hours. They were exposed to "war-like" mobilisations for work. They were bought by successive employers from each other without even knowing it; companies, once public, became private and kept changing their names and legal status. The women who had been regular workers became unreported employees, now employed illegally, and as union workers, they were experiencing repression and were exposed to discrimination as political opposition and as fighters for their workers' rights. Women who lost their jobs or those who received a forced work-assignment (forced mobilisation), would be sent to work in another place, sometimes one that, due to war circumstances, they could not reach without exposing themselves to life-threatening danger. Moreover, they were discriminated against and mistreated on "ethnic" or "religious" bases, and were despoiled of their apartments and property. Violence was common, women were beaten and sometimes killed, in some cases with their entire families. Expulsions from homes, forced labour (war mobilization) and similar traumatic situations were happening simultaneously and at the same place (in the same families or in their neighbourhood) with mass killings, executions, disappearances of sons and husbands, and forced mobilization of men. People were arrested, interrogated under duress, intimidated, threatened and attacked in the middle of the night. Thus, women were never exposed just to one single type of terror, but to a whole horror **series**. Regardless of that, they kept working and helping each other in solidary groups and were additionally hiding deserters. With their children, they were expelled from their apartments by the police (often precisely on ethnic grounds or, as in Croatia, because a family member was employed by the Yugoslav People's Army /which had gradually become Serbian nationalist, but had been all-Yugoslav to start with/); this was called "dislodgement". Or else, someone would move into their apartments during their absence, for any reason or no reason except scrambling greed, not even necessarily an "ethnic" reason. One would grab whatever one could get hold of. There was no authority women workers could appeal to, be it concerning their workers' rights or the expulsions from their apartments. A number of cases are lingering as unresolved to this day. In a small number of cases, women succeeded to subsequently reclaim their apartments after filing legal complaints. But the rule of law has not yet taken root, or is slow in doing so. Violence at the workplace included sexual harassment and abuse, as well as

“ordinary” physical violence, mobbing, control over their use of work breaks or going to toilets, control of their menstruations etc. The violence targeted women on the basis of their ethnic background or political allegiance, even in cases when the victims did not claim such background or allegiance, as the latter would simply be *attributed to them*. Soon, women started receiving salaries lower than those of men for the same work, and workers with work-related disability started losing their status and the possibility to claim compensation. Young people and older women could no longer get employment. Poverty grew, was imposed and consequently became the basis of further discrimination. Anarchy pervaded labour relations and the application of the labour law. In that framework too, economic violence against women was specific to their sex no less than sexual and other forms of violence.

A woman from Kosovo now living and working in France told this author about the terror spread by Serbian nationalist troops and paramilitary or even civilians, although she confirmed having lived in good neighbourhood understanding with Serbs before the war. She was from an area with an Albanian majority. At night, they would hear firing, were terrorised, and would bolt themselves inside houses. Albanian voices and imprecations would be heard from outside, people would knock on their doors asking for refuge, claiming that they were under menace and in flight. When women were tricked into opening the doors, many of them were killed with their infant children (the particular place was Djakovica). Serbian nationalist militias speaking Albanian did the executions. The nineties were remembered as traumatic. Again, many Montenegrin women remember the nineties with outrage, bitterness, and humiliation for all that had been done to them, for all that happened to their neighbours, for all the iniquity that they could not avert (apart from what they prevented or alleviated) and mostly with regret for the country lost (the loss of the common country is shared by most as a common trauma). They remember how they were politically blackmailed in order not to lose a job, or made to join a certain party, or how, at elections, they were offered 50 Euros to vote for a specific party. Most of all, they complain because nobody was held accountable for the disaster even when they managed, with great effort and difficulty to file legal complaints or appeals. In doing so, they were most often obstructed, including physically. Impunity continued even after some of the relevant institutions were re-established. They lost years in waiting with no result.

It is the issue of sex violence against women - accompanied with either national or ethnic "justifications" - that serves to construct the nation and to build the national myth. But it needs to be stressed that in all cases, and in addition to other “reasons”, women are brutalised simply because they are women and for being an easy target for cowards. These themes are well known, unoriginal and do not need to be repeated to a female audience. In addition, it should not be forgotten that in both war and peace, women are raped by the members of *their own* nation, and not only or predominantly by the “others” as the nationalists would have us believe. The nation is seen and constructed as a vulnerable female and motherly body that needs to be protected when it comes to one’s own nation, and to be “impregnated”,

appropriated and destroyed when it comes to other nations. It is also represented in the form of territory and borders. The nation does not trust its women, and it therefore places them into custody and into a subordinate position as “sisters” in relation to “brothers” who are themselves under the undisputed dominance of the “father of the nation”. In the symbolic *identification* with such a “father” of the nation, that is required from *both* brothers *and* sisters, but brothers would, of course, be more successful in the endeavour of identifying by the nature of things. They resemble more the ideal. Hence what is left for sisters is to just turn their predestined failure into an accepted position of subordination and to try identifying with the *other sex* (the sex of the father of the nation) *as much as possible*, knowing that they cannot do it perfectly. This means that women cultivate socialisation, solidarity, sharing and empathy - roles that are viewed as traditionally female, even when imposed. The whole thing can be compared with the concept of “racial whitening” in the sense of “racial improvement” that has emerged originally in colonies on the American continents (Brazil, for Portugal; Guatemala, for Spain, etc.) and that remains the permanent source of retrograde politics of manipulation of *gender and race* (likewise, constructed concepts). In order to pursue “racial whitening and improvement”, the rulers needed, of course, not only to reign over natives, but in the first instance, to rule over the women, including their own. But if such a role of women’s socialisation is traditional, and even internalised and imposed, it is nevertheless welcome under certain circumstances, since it transcends the sex barrier in a situation where the socialisation of men is only a socialisation (and understanding) of the same and with the same, one that keeps the boundaries closed. A woman’s socialisation and empathy with the other, which is induced in her by a “higher-level” demand for identification with the *ideal of the father* of the nation, is added to women’s *original identification with the same sex*, their own: women are in principle socially more capable since they are socially open to both sexes (and even beyond), which was, after all, shown during and after the war. Such *women’s socialisation on (at least) two fronts* has, eventually and long since, become a kind of *women’s culture*.

Such a two- or multi-front ethos is, in principle, closer to a possible *culture of non-violence* – although there is no warranty or essentialised and naturalised casting into “eternity” or into the “by default”. Yet, it can be helpful in efforts to change cultural patterns. A culture of non-violence in our region is yet to be built; it is a task for the future, and the Women’s Court is certainly a contribution to it. Thus, the women’s movements and the Women’s Court that are at the basis of the peace potential, can *forestall*, overturn and take advantage of the symbolic and natural asymmetry of sexes, which is called gender, and use it in a constructive sense.

Since women are the ones who give birth, it is they who come from the same sex, while men are born from the other sex. In a socio-political and historical compensation therefore, relying on physical strength and violence, *men get hold of birth* through the establishment of marriage, of control over women and through the imposing of the father's name in many cultures. Moreover, they even get women to “mend” their disconnected male lineage (“invisibly” - since women do not transmit their surname or domination). Male lineage is

always interrupted since sons are not born from fathers but from mothers. Only female lineage, that is socially and politically unrecognized, has continuity since girls are born from mothers. However, the obvious lineage continuity is denied to them, as they do not carry forward their names, and have instead to accept the father's name. In the war and its aftermath - the newly-ruralised, newly-militarised, newly-primitivised, disoriented and societies gone savage, we have seen such mechanisms at work at appalling scales, especially attempts of pushing women back into "traditional" roles. In addition to being treated as objects and never as subjects, women are also conventionally used in nationalistic frenzy and war as a *medium*, i.e. as a *means for one group of men to send a message and a threat* to another group of men: here is what we are doing to "your women."

In societies that never cared much for the position of women and that became even more primitively patriarchal as a consequence of the war - and partly also under the influence of a certain type of modernity - it is very important to hear women's voices of protest and resistance as well as the testimonies of the victims. It is vital to highlight the continuity of violence against women and to make it *visible*, but also to show what women have politically learned from their experience, and it is worth hearing women's demands. It is essential to extract women's *demands* from those testimonies.

Regarding the violence, it is important that the authorities, the state and its institutions, schools and other educational instances, publicly acknowledge the existence of such violence and especially of rape in war. Women witnesses demand the standardization of penal criteria and procedures regardless of the ethnic or other background of the perpetrators, and request courts to be more expeditious in dealing with such cases and in investigating suspects. Women, women's and civic groups should be encouraged to file legal complaints. Although the law is not the same thing as justice, legal instruments should, as much as possible, include a restorative aspect, besides the retributive one, and should provide protection, as well as legal and moral satisfaction. Impunity with regard to violence against women cannot be tolerated any longer. Today (in 2014-15), we can see that there is in principle a *world consensus* about this in most countries throughout Asia, Africa and Latin America, even in those countries where the guilt concerning the violence is traditionally transferred to the victim, especially when the victim is a woman.

Impunity is, however, what the witnesses complain about. Former victims still too often face their former torturers who enjoy freedom and whose looseness continues torturing them with painful memory, exposing them to ridicule and shame. During the war, and even after the war, many women complained about the continuity and similarity of the sexual violence they suffered during or after the war, sometimes from the same individuals. In some cases, when perpetrators are close to the authorities, the militia or the police, nothing could or can be done and they could not be stopped from continually brutally intruding into the lives of the sufferers. Sexual violence, regardless of whether committed with "ethnic" or any other classificatory "justification", does not consist of mere male sexual gratification; as a rule, it comes with cruelty,

terror, utter vulgarity, physical violence, beating, pulling of hair, tearing of clothes, exposing the body, breaking of limbs, extreme physical humiliation, the entire grim scenario being purposely designed to induce fear and to intimidate. The assault is often perpetrated by a group and the victim is then held imprisoned in hidden places or organised camps, or handed over and sold to other groups. During the war, there were cases whereby armed militias would hand over or resell victims to other militias, even those politically labelled as “enemies”. Commerce and women-trafficking is rife between various nationalists and criminals, with no impediment in ideologies. In relation to the ongoing and historical war against women, to *femicide*¹⁰, parallel to and embedded into any, and especially in the civil war, these groups happen to be on *the same side*. Besides the rape victims in notorious and well-known camps, there were many victims who were held captive in groups or alone in individual houses and in isolation over longer periods of time, sometimes for months, maybe years. This comes closer to the way of acting in femicide when the latter is a standing and politically constitutive feat in a society. There is generally a far greater political and societal acceptance for violence against women than there is forbearance of violence against men. This goes totally against the cliché appearing in several people’s proverbs, which commands that priority in protection or rescue operations be given to women¹¹. This is often not how it happens in reality. Also, several cases have been described where such victims had later been denied the status of civilian victims of war and of rape since they were not imprisoned or “officially” listed in camps or with post-factum evidence seeking offices, or they could not “prove” that they were victims. Such cases are among the most scandalous ones and show the complicity of the institutional and social politics, since women in such situations could receive neither psychological nor legal aid after the trauma, or ask for and receive compensation. Most women witnesses from Bosnia and Herzegovina agree that the same treatment and the same law should apply to women from the entire territory, **regardless of the Dayton agreements freezing of partitioning the territories**. Accordingly, their sufferings should be publicly acknowledged and their brutalizers prosecuted while the state should be at the forefront and supporting those women. We could thus move away from the targeted but not yet quite accomplished model where *femicide* would have been inscribed

¹⁰ Also: “femicide”. Examples of massive attempts at the *extermination of womankind* are not lacking in the history of humankind. One of them is the European Witch hunt, which was no joke and which is largely uncontradicted, and that lasted until late Enlightenment. A term was coined here, witty but linguistically hybridous – “gynocide.” In Mexico today, torture, mass rape, mass assassinations of women and accompanying impunity have taken on frightening proportions. There is a practice in India, China, and other countries of selective abortions of female fetuses, killings of female newborns with the same effect, and starvation of girls. These have always been “normal” practices of humankind. The ageold and largely tolerated general hunt on women has been revived on a far larger scale over the past years, and has also spread into the current wars (mainly caused by the west) in some Muslim (especially Arab) countries.

¹¹ “Women and children first”, and the like. Both violence as well as the discourse about non-violence towards women come from one and the same source. The former discloses the real situation (brutality and hate speech), while the latter presents the desired but unachieved condition, an alternative, as well as a display of male “righteousness”, in cases when truth can be blurred by narratives. The culture of “collective memory” functions on such a scramble of truth.

into the foundations of the system¹² as its constitutive part – the neoliberal system in this case, that has been late in coming to the Balkans.

General modernity and violence against women

We shall here introduce the concept of a “general modernity” that encompasses both socialist modernity as well as capitalist modernity. While writing about this, Radomir Konstantinović showed that, with regard to the topic we are interested in, there is no substantial difference between the two¹³.

A brief and quick philosophical-historical overview could show (among other possible outlines) the distinctions between two types of modernity, both concerned with the position of women and with possible violence against them, each from a different viewpoint: the first would be the one that theoretically follows from philosopher John Locke and that theorises private property and, with it, the (non)representativeness in electoral bodies: only those that own property are represented, which excludes everyone but men from the higher classes. Are excluded from the representation, and therefore from the government, colonised people, women, children, the mentally ill, all those whose property is not based on possession - in the first place on the possession of their own selves: they do not have exclusive control over their own selves, whatever the reasons. And so women were not excluded as women, but as non-owners. In Anglo-Saxon law, which does not seal up those categories once and for all, and that it is constantly moving, widows or older unmarried daughters could, as exceptions, have access to inheritance. And, over time, the height of ownership, of property or the amount that allowed the access to political representation was lowered, so that women, and the working class were over time included among the voters, and that, after long struggles, the African Americans entered among those as well in

¹² Jules Falquet, “Des assassinats de Ciudad Juárez au phénomène des féminicides : de nouvelles formes de violences contre les femmes?” www.contretemps.eu/auteurs/jules-falquet. The author explores mass killings of women in present-day Mexico, and connects them to the change in the production-process structures within the latest phase in neo-liberalism. The latter includes, in such a scenario, the necessity of killing as well as of non-compensation of the labour force itself (in this case: women). The mass assassinations (preceded by torture and accompanied by all sorts of sordid circumstances) are linked with the fact of partnerships among mafia organizations dealing drugs, corrupt police, and male oligarchies; the author comes to the conclusion that in neo-compradorial economic-political systems (whose poorer relatives are our systems) femicide occurs as completely consensual and constitutive, and even as an indispensable link within the chain in conditions of absolute impunity (nobody cares that women are systematically being massacred individually and as a group). Women, or other numerous victims, have absolutely no one to turn to for protection under such conditions; there is no higher authority, which was also the case here during the war. In Mexico, women will have no institutions to resort to until the *people on the whole* rebel and produce the revolution – the qualitative change, reversing the current hegemony. The people have just recently (2014) slowly started waking-up and protesting, with regard to the case of 43 killed students (men). Something may come from here, and nothing can come from states infiltrated by the mafia and by crime.

¹³ See Konstantinović’s work in its entirety, and in particular his *Filosofija palanke* (*A Philosophy of the ‘palanka’*), and also, among others, my interpretation *Patrijarhat - čitanje i komentari izabranih dijelova Filosofije palanke*, published by the Women in Black, Belgrade, and available on their website in Serbocroatian.

1965. in the USA, i.e. they were given civil rights and became citizens. It is important to understand that, under such conditions of a “first” modernity, the connection between the political representation (and therefore public visibility), ownership and violence is a very close one. The dispossessed have no access to a piece of the common pie, and are therefore negligible and susceptible of violence. Whoever (due to this or to any other reasons) is not represented, remains also imperceptible, and violence against him/her is also unnoticeable, it is allowed, tolerated or more easily accepted. Rights are unevenly distributed over these spheres, in a certain evolution and within differences dependent on the type of legal system. Women are “accidentally” and everywhere found in lower categories, and even when they sometimes manage to rise to upper categories (which is mainly the result of long and still ongoing struggles), the law is traditionally differentially somewhat more flexible when it applies to them, and with considerable mutual differences from one system to another when they are concerned. Such a law of “capitalist modernity” is based on the individual and on corresponding *private property*.

The second type of modernity could be the one that we used to know in one of its forms in Yugoslavia, and that implies *social ownership*¹⁴ of the means of production as well as the *same rights for men and women*, and hence for all citizens including, of course, different “nationalities”. In principle. It implied one kind of social and human solidarity that is not even possible in the first type of modernity we mentioned (but as an exception of some individual effort, which already restricts its generalisation), nor is it anticipated there.

Some feminist theorists today invoke *a third type of modernity* that would include women’s methods and be based on them, e.g. *care, concern, help or nurturing* that women have cultivated both historically and traditionally, as well as through learning processes over generations; women have displayed those towards the community, the family and individuals, as well as through associations and alliances regardless of the time, of the type of government or of property relations¹⁵.

It **goes without saying** that, due to the big leap backwards of entire societies and state structures, all this was called into question in post-Yugoslav

¹⁴ Whether *društveno vlasništvo* is to be translated as *social property* (which it literally means) or as *public property*, is a matter either of political choice or of philosophical ignorance. I (R.I., the author) choose of course the term of *social property*, which can otherwise also be translated as *common property* or even *common good(s)*: « common » (*zajednički*) and « public » (*javni*) are of course not the same. Whatever is « public » is in the custody of some administration, some mediation, usually delegated by the state or by centres of power. France, for example, has a strong « public sector » through a vast and centralised state administration. But *oubli* is not common, nor does it belong to the people or to society. Yugoslavia’s *društveno vlasništvo* was meant to be *common*, but it never evolved that far. It was centralised by the federal state but most of all by local administrations and power. And of course, the public sector can cannibalise the common goods too. I shall not go further into this debate here, although it deserves developing.

¹⁵ Fabienne Brugère, “Quelle politique de l’individu aujourd’hui?”, Conference “Diversité culturelle, subjectivation et communauté politique” on January 6, 2015, FMSH, Paris. For us, of course, it appears that there is no point in talking about modernity where neither government nor ownership as *social* relationships, but also as *production* relationships, (production in every sense) are no longer analysed.

countries. A fair level of development of *social* property relations, of equality as well as a comparatively high standard in women's human rights and laws concerning them (all in principle), that all imply certain social solidarity, was brutally discontinued. With the degradation of these general relations, the *social relations of sexes* (gender) have plunged down even more, and thus violence against women has again become "unproblematic" and is considered as unimportant.

Reflections and remarks

All war and post-war women's testimonies available to us demonstrate amazing *loyalty and the desire for justice* that women share, as well as their *readiness and ability for empathy* with others and with women from the supposedly "opposite" side who have also suffered, and whose sons may have been in war against their own sons. With the help of self-discipline also, even in cases when they did not receive psychological or legal aid on time, the women were mostly able to *self-train* themselves to talk about their trauma without hate or anger, to share it with others, realising the healing and therapeutical effect of the narration itself. We of course note that it was far easier for those women who were lucky enough after otherwise distressing events, to receive some psychological aid soon after the harrowing events. But the ability of those among them who did not get such a benefit but still managed to develop sympathy for others is astonishing. We therefore reckon that the effect of the Women's Court will also have that *curative function* by *stopping, giving shape to and making public* their own ordeal through personal stories. It should produce the outcome of *closing once for all the symbolic process of grief, mourning and sorrow*. It will thus open the horizon for a future as much to themselves, as to their families and environment. It should be beneficial to the society.

In addition to that, the Women's Court has the purpose of showing the truth much as when *the truth "dawns on us"*. This function of sudden truth is irreplaceable, and should represent one *decisive threshold of accomplished public, social and cultural responsiveness*, a historically achieved level: it undoubtedly means a move forwards for a wounded society. Its positive results are possible where, at a level that incorporates and transcends both the individual and the public, a moment of citizenship (civility), *citoyenneté*, arises, which is *not a mere reproduction of the state*, but contains resistance too.

It happens in some cases that social sciences play out a certain "social" role of interpretation, even of "catharsis" and also of the *narrative processing* of historical material that recorded the trauma, and so they help concluding the long period of mourning. This happens when the public discourse has failed in doing so or, on the other hand, as a complement to it.

The research conducted by Indian women historians, writers and sociologists of *the second generation*¹⁶ after the partition of British India¹⁷, was also confirmed by the feminist research carried out on the Balkan wars in the nineties. In both cases, it was a context of bloody falling apart or splitting (*partition*) of country (Yugoslavia and British India). Indian authors, researching the fates of the missing or silenced, “disgraced” aunts or grandmothers who had found themselves on the “wrong” side of the border at the wrong time of partition, have opened up in the modern history of India the most important issue of the traumatic division of the country, the breakdown of British India into India and Pakistan (later to be continued all the way down to Bangladesh splitting from Pakistan). The process is, as in the case of any partitioning of a country, *in principle* still open, and so it is in our case too, while in the Indian example it was also brought to change *internal* state and linguistic borders of the union.

The combination of nationalism or ethnicism and patriarchy, and possibly too of religion, is a particularly explosive mixture. The civil wars and the violence that assume religious “rationalisations” where needed, and they refer to authorities of a “higher” order when it is practical or useful for them to do so. They use patriarchal masculinist “arguments” whose sex-based connotations they ignore but know how to misuse. In these matters, the language of the nation, of the state, of religion, of “higher interests” appears most directly in the forms used for expressing *sex* and *gender*, in such turns of phrase that connect the origin of the “nation”, the faith etc. directly to “birth”, to the verb “to give birth” (“roditi”; while “narod” means “people”)¹⁸, and therefore to the *sexual difference at the foundation (and as the foundation!) of the community as well as of the state*. And, in a broader sense, of the society too. These connections are made to the extent to which a potential society *does not* succeed in transcending the community at its core, which is also its seed. In this light, the concept of gender gathers all the three usual (and minimal) analytical categories (*class, race /or nation/, and gender*) and *enables the hegemony of the violent element* that is both historical and male (historically male, but not inevitably, not metaphysically so). Indeed, similarly to *nation*, *gender* is inflected by *class*, while *class* too is inflected by - *both gender and nation*, inasmuch as the sedimentation of class, as a relation of political and economic power, facilitates hegemony.

The generations. The question of justice

The following needs emphasizing: paradoxically, the war and the non-war coincide in time and overlap in the mentioned decade of the nineties of the 20th century. Situations of war-and-peace are simultaneous in the same places, or in neighbouring territories. Sometimes violence in one area ensures

¹⁶ They are *my* generation. I was born in 1945.

¹⁷ Ritu Menon & Kamla Bhasin, *Borders & Boundaries. Women in India's Partition*, Kali for Women, New Delhi 1998. Urvashi Butalia, *The other side of Silence : Voices from the Partition of India*, Duke UP, Durham 2000 (Indian edition 1998).

¹⁸ Translator's note: the verb “roditi” means to give birth, while the word for *people* is “narod”, “those who were born”. The root in both is “rod”, meaning, as a name, “gender” = “the born”.

relative peace in the surrounding regions. Peace is never absolute nor is it ever or anywhere ensured once and for all. It depends on complex situations, and most of all – on the *war acts* themselves and on *violence* or on *refraining from those*. The war is usually preceded (and provoked) by words, and hate speech accompanies it. It even survives into “peace”. Like many others, the wars in the Balkans in the nineties were neither absolute nor unavoidable. There is a whole range of conditions from war actions and aggression to truce or peace, down to the so-called *transition*. *The state of neither-war-nor-peace* is the most usual one or at least, is it very frequent. In Yugoslavia, the term “transition”, that often coexists with it especially in the beginning, usually means two things: the transition from war to peace, but also the transition from socialism to capitalism. Both of those modes (1. war-and-peace; 2. socialism-capitalism) are to the greatest extent and simultaneously *conditioned by the dimensions of nationality¹⁹ and of gender/sex²⁰*. In addition to that, *class* is not lagging behind, and, as an analytical dimension, it cannot yet be discarded, although it usually is.

The longterm preparations for the Women’s Court, for creating the conditions and for the construction of criteria for the court had this in mind.

Another thing that the preparations had in mind during the examination of women’s testimonies about the war and the post-war sexual, economic, “ethnic”, militarist and every possible violence is - that *25 years have already passed* since the beginning of that war, of the state, military and para-military violence and of any other: soon, a change of generations will take place. It is actually in course. This is especially important when thinking about the aims of the Court and a manner of healing. *The first generation* is the one that experienced the trauma directly²¹. When women had access to psychological aid for reconstructing their lives (not to mention material help for the repossession of property and for their own and their families’ economic stability – this was possible only to a small extent), it may be regarded that, in some cases, the period of mourning (*Trauerarbeit*) was successfully completed in all its symbolic and psychological dimensions. One might consider that further, one can or even must go on living, sometimes even in the vicinity of the perpetrators of crimes²². Then, the memory of trauma, once it is processed, becomes *narration* and is conveyed to the next generation as *collective memory*. The collective memory is further inscribed into a broader historical and political context. In local conditions, memory is conveyed as *competing*, i.e. as an issue of *competing nationalisms and memories*. **We are far from the future time when it may be possible one day to write joint schoolbooks on the events (as the Germans and the French have attempted with regard to WW II – with many difficulties).** It usually appears as a matter of

¹⁹ The “nation” or “nationality” as a criterion in the Yugoslav wars as well as in the series of other “new wars” in other parts of the world, substitute for something that is elsewhere usually called “race” and is manifested thus; it is additionally also articulated as “religion.”

²⁰ The “nation” and “sex” are thus two of the three important criteria for analysis (“class” being the third), and also of the dimension of the events themselves.

²¹ **I must reclaim it again, since it is my generation that has waged the Balkan wars of the nineties.**

²² **The Rwanda story (contemporary to the Yugoslav one) gives examples of this.**

interstate politics and international relations within Europe. By that, memory overcomes of the exclusive horizon of the individual's responsibility him- or herself. With an individual, it also appears to the extent to which he or she identifies, or not, with the nation and the state. From the side of the nation and of the state, it can contain misuse and instrumentalisation of the individual, through which violence is transferred to the post-war period, to the next generations, and becomes endemic and constitutive. Political responsibility is then never far.

The Women's Court is, ultimately, in a position of having to deal with all those *different levels* of violence against women and against the population, **and with all those different levels of responsibility that no-one else has taken upon themselves.**

The question of truth

While for the first generation the question of *justice* is raised that has no direct connection with that of *law* (or can be in opposition to it), for the second generation a comparable quandary appears as a question regarding truth: *what* did really happen *and how*, and how to record it in memoirs, in collective memory and now too in fading individual memories. Although the question of truth usually occurs *after the war*, it should not be assumed that it does not bother contemporaries and the victims of the violence as well, in the shape of *the question of justice: to know the truth and to let it be known, and then to pursue its public and general acknowledgement is at least partly the realisation of justice* and in itself a satisfaction. Although for the second generation questions of justice and truth can sometimes be separated, they usually can't for the first generation. **But the law does not automatically provide justice.**

Yet the issue of truth is in itself a problematic one. As much as memory, the truth appears *immediately as at least potentially split*. In conflict, my truth is someone's untruth.

In the absence of a *higher authority* (the tribunal, the hegemon, a universally acknowledged father of nation, god etc.) that would impartially judge the ones and the others, one remains in the sphere of the non-universal: *the recognition of all the sides involved in a conflict about what is true is almost impossible to achieve, especially in real time or immediately thereafter*. Such situations are complex, and they often just lead to the continuation of the conflict through different means.

In the case of the Yugoslav countries, it was not possible to agree on the establishing of *one* common truth or even of *one* impartial "truth commission" or at least of a "shared court for all crimes committed in Yugoslavia". Already for some time prior to the series of wars and then during the wars themselves, the parties soon to be in conflict zealously, unanimously and firmly built a *joint culture of rejecting everything that belonged to "others" or came from them*

and that could claim the primacy of the “other’s truth”²³. **Nothing “common” would be accepted by all.** So, each of the warring parties was brandishing its “own truth” as absolute, and many of them are still doing so. It was not possible to build supra-national and supra-state institutions (or extra-national, extra-state institutions), or to federate several of them for that common purpose, because the state institutions and even the states themselves were largely *compromised* through devious associations during the war, at least in the eyes of those “others”. **Nationalisms tend to multiply and sustain each other.** Local state institutions were seen as underhand also by the “international community”, and were to a large extent disempowered and drained of the representative and symbolic power they once had. Finally, even if any such agreements were possible at least in principle, **the sides would never agree about the “other’s” stake in them and would never end coarse horsetrading.**

At the end of the day, women and some non-nationalist feminist organisations were *the only ones capable of transcending the level of nationalist conflicts* and taking upon themselves impartial research. It is only once *gender and nation* have been separated (instead of being purposely interconnected and mutually supportive in the masculinist hegemony of physical force), that it is possible to open *the space of justice and of truth*. In the same way as it is possible, and even necessary to display that opening for truth and justice in feminist approaches, when nationalism is *denied* the support of gender and of sex in its imposition of hegemony. **Retrieving gender from the nation (through feminist critique) threatens the established hegemony.**

Thus, with its modest resources, the Women’s Court plays (and indeed has been playing now for some years) an extraordinary and inevitable role that no other institution or association in Yugoslavia was ready to assume. Rather than being a penalising tribunal, the Women’s Court acts as morally or ethically “unbiased” in a positive sense, and also as the only possible political horizon of an important *patching and repairing* of the wounded social yarn and of the *membra disjecta* of the former common country Yugoslavia. At the same time, it plays the part of a “commission” for the establishment of the historical truth, much like the ones in Guatemala²⁴. Its low public impact **in the (almost inexistent) all-Yugoslav public space** during its preparation period is *inversely proportional* to its vast remedial, symbolical and political importance with the concerned. It will have the task of helping to create the final closure with a public and collective historical narration of events within conditions of linguistic and *political* plurilinguism where no hegemony certifying balance and peace is plausible any longer. It will also enable new political subjectivation for the people concerned, possible after the symbolic closure of the narrative(s).

²³ The “other’s truth” is an oxymoron; in a system where “only my truth is right and universal” and within the horizon of a general acceptance of egocentrism, the “other’s” truth is non-existent and unthinkable.

²⁴ *Guatemala. Memoria del silencio. Informe de la Comisión para el Esclarecimiento Histórico, 1-15*, Guatemala de la Asunción 1999. *Guatemala. Nunca mas*, Oficina de Derechos Humanos del Arzobispado de Guatemala. Informe Proyecto Interdiocesano de Recuperación de la Memoria Histórica, Guatemala 1998.

Post-hegemonic societies are in a state of chaos and of political disorientation, in the impossibility of “enchaining” and connecting political affinities **and issues**. In such situations, the role of the Women’s Court, a modest but necessary and effective political form that is neither a state nor a social institution, that is not a real association either nor an entity that dictates, guarantees or protects “the only” truth or theory by any means, is most valuable. The Women’s Court *translates* apparently non-political situations into political language thereby politicising them and therefore giving them a meaning and new prospects. It is possible to invent an adequate *politics of translation* if there is sufficient openness for the voice of the other(s) and if there is at least some *political imagination*. Being that such a post-hegemonic (and only partially post-national) politics remains forever in transformation and is in principle “corrigible”, it does not much correspond to the “noble” name (and call) of *theory* or of *truth* by its very idea. Such seemingly insecure but in any case indispensable politics will be verified, tested and assessed again and again at every step by the *practice* of “translation”, bearing in mind new “enclosures” within the “unsurpassable” capitalist horizon.

Thus, the Women’s Court should finally germinate as possibly the most interesting, irreplaceable and essential “institution” in this historical moment. It tests, verifies, realigns, maintains, represents and is a guidepost for the transition in Yugoslav countries. Meanwhile it is based on the freedom loving and the justice-eager interests of women. The interests of women include the interests of men, children and of the entire society. From the experience of archived testimonies, the women’s interests could also be the source of a possible new future citizenship (in the sense of citoyenneté) without any historical models. Its concept could be considerably broadened in comparison to the previously understood citizenship that had been taken in a narrower, mainly legal sense. After the main trial has been held, the Women’s Court will necessarily self-dissolve with regard to its original function, but its energy could be transformed into something else. Such addition onto the meaning of the Women’s Court rests upon its moral reputation and original objectives, of which we will mention only some that must remain the permanent characteristics all through its re-embodiment even after the “finalisation” of its original duty: the Women’s Court is

“A space for women’s voices, for women’s testimonies about experiences of injustice suffered during the war and in peace – instead of being objects of injustice and violence, women are becoming subjects of justice – a subversive character of women’s courts – the relationship between the patriarchal power of domination and subordination, between an object/woman witness and subject/judicial authority is lost.²⁵”

²⁵ "Ekonomsko nasilje nad ženama – proces organizovanja Ženskog suda" – as yet (April 2015) unpublished material to be edited by Women in Black, Belgrade, about economic violence against women in the process of organising of the Women’s Court (similarly to

The Women's Court will "shed light on the continuity of violence against women in peace and in war time. (... It is needed) in order to make violence against women visible". In such circumstances, the right to truth is realised in the time that comes *afterwards, in post-war time*, and without any guarantees²⁶.

A further problem will be the enlinking of new engagements and individual cases, if the Women's Court (probably renamed?) continues its activities in a new form and with new tasks.

The so-called "right to truth" had initially been institutionalised from the context of the political experiences of Latin American post-dictatorships. Informal movements of "The Mothers of the Plaza de Mayo" in Buenos Aires and elsewhere had surprised with their perseverance that had at first seemed non-political. Since the seventies of the 20th century, the United Nations and the "international community" had recognized such methods, together with the establishment of the International Criminal Court in The Hague. These were often cases where the society itself had carried out crimes against certain groups, or where the state had committed crimes against its own population. The technical idea of such an International Court is that it should be objective and non-political. But these are also its limits. We here know *a priori* that the Women's Court cannot be of that kind and that it will result in complex and plural truths and perspectives. The Women's Court is aware of the fact that the sides in conflict exploit the platform of the so-called "truth" by misappropriating and instrumentalising it. For this Court, it is clear that the reports and "truths" are purposely directed one against the other. It is also evident that the "right to truth" often appears as an invitation to continue the war of lower intensity. Nevertheless, the ambiguous "right to truth" made it possible in various parts of the world, and not only in the Balkans, to break the ice once more, to begin speaking about silenced sufferings, to stop concealing the particularly abominable crimes, and especially those against women: mass rape, plundering and kidnapping, killing of girls and intentional abortions of female fetuses; feminicide, the hunt on women and girls, various forms of enslavement etc. Today, we can see how the hunting season for women is open in many places, and that it should be brought to an end. The Women's Court, *not having any models* itself except for similar former women's courts worldwide, can become a moral-political blueprint for the beginning of refusing crimes against womankind, for the solving of such situations in the future, all this under the condition (unlikely for now, but recorded and imaginable for the future) that *transition*, besides the two mutually contradictory meanings (1. after the war, peace; 2. after socialism, capitalism) acquires its third important meaning: 3. *after patriarchy – its dissolution*. Concerning the intertwinement of those three elements (sex, class, and nation) this would predict the much-anticipated exit from the existent order. As we know, the latter is based on the subordinate inclusion of

materials about ethnic, sexual and other forms of violence, this one too include individual *testimonies about violence*).

²⁶ Pierre Hazan, "Après la guerre, le 'droit à la vérité'", *Libération*, 24-25 décembre 2014, p. 28.

women into a system built on the condition of their exclusion (more exactly, the condition of their subordinate inclusion).

The question of priorities

The question of priority is widespread in the manifold literature on the condition of women. The question about the *priority of the sexual²⁷ difference* over the other two basic differences that produce inequality in given conditions²⁸ – the class and the race/national issue – arose from the Marxist and then from the numerous post-Marxist approaches on, often and time and again. Those three elements are, namely, inseparably intertwined at all times: the nation or race is always sexed or determined by gender, and vice versa. The nation and sex appear in *identical* language²⁹, i.e. the nation speaks the language of *obstetrics* and *midwifery*. The inseparable connection between the two is constructed as “fatal”. And, regarding *class* signs, the class itself is always characterised by sex and racialised: the weaker or subordinate element in every relation is always marked as female, as feminised and as the racially “lower” or “southern” element in the global sense³⁰, and therefore as “inferior” in the class order. However, not one of those three key elements, not to mention other possible distinctions, contains such seemingly “fatal” elements. But the “critical” or “fatal” element such as the *constitutive symbolic asymmetry of sexes* is represented as allpervading, managing all and incorrigible. It is best described by psychoanalysis, although the classical forms of this discipline do not suggest any way-out from that clinch and dead-end³¹. The *symbolic* asymmetric inequality of the sexes supposedly leads to a

²⁷ Some would say “gender” here. This is again a footnote about how the difference between sex and *gender* is *weak* and in principle a theoretically unsustainable difference that is, however, often used and politically useful in feminist activism. This difference relies on the feminism stemming from the English language. In the French language, in Yugoslav language and in many other languages, that difference is less evident, although, due to the hegemony of the English language, it has by now come into use everywhere and thus has somewhat diluted a more radical feminist thought.

²⁸ Or, are *able* to produce it: here, in principle, we imply that the difference *does not* at the same time *necessarily mean* discrimination, but we cannot dwell on this complex issue as this would require different explanations for different situations.

²⁹ *Nacija* [Serbocroatian, translator’s note], *nation*, from Latin *nascere*, “to be born.” If we say “a people was born” (“Narod se na-rodio”), in order for a people to emerge, a sexual and female element is needed. From genetics to politics. In Serbocroat the two words (“people” and “to be born”) come from the same root. In Latin too, as well as in many languages.

³⁰ “Lower” races have always been represented as *distant* from the western northern model of hegemonically ruling peoples of Europe and (later) of North America, i.e. from the “white” people. Within the scope of globalisation, this distance is figured by the “global south”, and it also includes “coloured” people as well as, in the European transition, peoples from Eastern Europe.

³¹ Unlike individual feminist *philosophical* psychoanalysts such as Luce Irigaray, Monique Wittig etc. On the other side, American psychoanalysis, that is only practical and adaptive but not philosophical, does also not anticipate any way-out. Where psychoanalysis has permeated philosophy (French-speaking areas, from Lacan onwards), suggestions for models of a way-out from the “given” symbolic system and therefore from the systemically given inequality between men and women, are emerging among female philosophers, and increasingly among male philosophers (mostly in conjunction with ecology, feminist economy etc.).

dead-end time and again, as a vicious circle from which there would be no way out. Many progressive male philosophers, and even female philosophers, that are not necessarily opposed to feminism, are of the same opinion: the society and even the state are built on the *constitutive subordinated* inclusion of women, of the lower classes, of minorities, of the colonised³², an inclusion that is usually erroneously called exclusion. Apart from the supposed insolvability of this asymmetry, we know from Marxism about another option: when, in the course of time (how much time?) all other injustices and inequalities are righted, women's issues will automatically be resolved too. So says the blueprint that we have now for long known not to be true. Feminists cannot be satisfied any longer with such an answer and they therefore explore *the ways in which women's issues* are so deeply rooted *at the basis of all other inequalities* determining them in such a manner that they also cannot be resolved *without* the levelling of the social relations of sexes. Solutions that are politically progressive and have prospects at least in theory, assume that the relation between the sexes (gender is that relation) *is at the very heart of every inequality as such*, and that attempting to solve various visible injustices without questioning sex/gender at the same time is vain or would simply represent a cosmetic attempt.

Of course, it is then necessary to undertake the critique of the entire symbolic system, of the worldview, of the political system, of the whole epistemology, as well as of one's own place in it – all of which is not such a soft nut to crack. And it is necessary to accept working *with and within* uncertainty, on an uneasy terrain and without known models or guidance. This also means, no more no less than to *step into the epistemological revolution* that we otherwise have to carry out in any case also with regard to the Third World, to the Global South (the post-colonial issue) as well as regarding the post-1989 period of the dissolution of the “socialist” regimes in Eastern Europe, and all the rest.

If, therefore, the issue of sex is at the heart of every other form of inequality, then the sequence in the analysis of events needs to be reversed: it is not the national liberation struggle, aiming at creating a new national state, that is primary and has prospects and would therefore liberate women as well as nations/peoples and nationalities. **It is on the contrary women/feminists who could and should do something about the “national” and “race” matter. It is thus “formerly” (in time and structurally) that the women's and the feminist struggle must act, with options from building to deconstructing nations and states. The gender struggle must do so previously because it is at the basis of the national-liberation and of the racial disposition, because the struggle regarding sex and gender is also trans-national and trans-ethnic, because it is secular, and because it is the one that has the possibility to lead and redirect the national liberation and state building, regardless of what one thinks or wants to do with these.** The feminist struggle is the one that has the prospect

³² Or, in some cases, of “primal peoples”, although one should be careful using this term because it lends itself to misuse, in cases where everyone wants to be “primal” and reap all the advantages.

to create a broader space of equality for all³³. In the words of a contemporary Kurdish woman theorist who, based on the experience of the leading Kurdish women's guerrilla group in national resistance, also advocates a feminist epistemological revolution – women should create a space of social sciences “that puts women and society in the centre.”³⁴ Everything else can only come afterwards. No nation is built without the decisive contribution of gender, and no nation or state is dismantled without this being done, again, through manipulating gender.

Such an “upside-down” sequence allows us to situate the tasks of the Women's Court, as well as to delineate expectations from it: we do not expect from the court to achieve justice only for women (although this too), but we expect it to *aim at justice for all* and also at building a different society and politics, striking right into the heart of everything – and that is the sex/gender order. As one provocative and somewhat optimistic (anarchist) advocate of Kurdish feminist revolution says: “We cannot get rid of capitalism if we do not get rid of the state, and we cannot get rid of the state if we do not get rid of patriarchy.”³⁵ That same person also believes that this will be resolved in... 50 years from now. Even if we do not achieve it at such speed but if we find ourselves on such a prospective road, it will be something!

Other examples of large-scale and mass violence worldwide result, differently and less promisingly, on the plane of social relations between the sexes, such as disproportionate femicide in Mexico or mass womenhunt launched by the retrograde Islamist group Boko Haram³⁶, starting in Nigeria and spreading

³³ We have been receiving these days news about such a struggle, from an otherwise difficult situation in the trans-statal Kurdistan in the area of Rojava, in the middle of the resistance to ISIS (the self-proclaimed group “Islamic State in Iraq and Syria”) as well as to the Syrian and Iraqi regimes, in circumstances where the Turkey does not want to help the Kurds in statebuilding but do groom Turkish Kurds for non-violence through arrangements with their imprisoned leader, while the USA has other calculations in the name of “help”, and the whole region is on fire due to decades long and also recent western irresponsibility. This Kurdish liberation fight in which women and feminist politics are prominent has prospects to parallelly be a revolution too. Of course, if it maintains itself against ISIS. For the map of that area, see: <https://twitter.com/occupiedtaksim/status/512266381358669824>; for an overview of fights in Rojava, see: <http://www.theguardian.com/commentisfree/2014/oct/08/why-world-ignoring-revolutionary-kurds-syria-isis>; for women's approach to that civil war, see Dilar Dilik, “What kind of Kurdistan for women?”, <http://links.org.au/node/4109>; Necla Acik, “Kobane: the struggle of Kurdish women against Islamic State”, <https://www.opendemocracy.net/arab-awakening/necla-acik/kobane-struggle-of-kurdish-women-against-islamic-state>; Gönül Kaya, “Why jineology...?”, <http://kurdishquestion.com/kurdistan/north-kurdistan/why-jineology/533-why-jineology.html>.

³⁴ Gönül Kaya, “Why jineology?”, *op. cit.*, p. 5.

³⁵ David Graeber, « No. This is a Genuine Revolution », <http://kurdishquestion.com/kurdistan/west-kurdistan/david-graeber-no-this-is-a-genuine-revolution.html>

³⁶ Whose name, according to Wikipedia, supposedly means “Western education is forbidden.” The kidnapping of around 300 schoolgirls in April 2014 (but such kidnappings are by no means new) and, in addition to it, the kidnapping of another couple of hundreds of women and girls in their other hunts, remains with little and lesser echo in world media, probably

throughout several African countries south of the Sahara. This should be a warning sign when we find ourselves drawing unfounded optimistic conclusions prematurely.

Bringing sex/gender into focus where it belongs in the process of untying the knot, in post-hegemonic societies such as those in the Yugoslav Balkans and beyond, would represent in itself a considerable progress in thinking and in analysis.

because there is no alternative western rescue scenario involved here, as the USA scenario of rescuing Afghan women from Afghan men, the Talibans, once was.