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## **Marrying Your Rapist: Domesticated War Crimes in Peru<sup>1</sup>**

Actions of the same degree of violence may differ sharply in their legitimacy or justification, at least in the minds of public opinion.

*E. Hobsbawm, 1969.*

### ***I. Introduction***

Until 1997, rapists who married their victims were exempted from prosecution in Peru. During the twenty-year internal conflict between Shining Path and the counterinsurgency forces, some young women and their families called upon this law to 'domesticate' the rape to which many were subjected by soldiers of the Peruvian army. The 'promise to be married', materialised in a piece of paper (a contract signed by a military superior, the perpetrator, the woman and her family), meant that sexual abuse would continue –although now with 'consent' of the young woman. Although rape of the peasant population of Andean Peru and those suspected of terrorism was a systematic and strategic action encouraged from above, by incorporating such actions into existing normative and legal codes the possible sequels of such events were moderated, normalised, and domesticated. By examining testimonies of women who were promised to their rapists, I argue that sexual violence during political conflict is

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often framed by social codes and gender norms which make such violence acceptable, tolerated, and often justifiable both in war and peace.<sup>2</sup>

A growing body of literature highlights the role of women in war and examines the gendered nature of violence during political conflict and in its aftermath (Cockburn 1998; Jacobs, Jacobsen, Marchbank 2000; Moser and Clark, 2001; Meintjes, Pillay, Turshen 2001; Pankhurst 2003; Moser and McIlwaine 2004). In this literature, the focus has shifted over the years from a ‘victims and perpetrators’ perspective, to a more nuanced and inclusive view. Studies have highlighted the fact that women’s roles in war stretch beyond being victims of rape and abduction and beyond being advocates for peace (Moser and Clark 2001). In the Peruvian war, women were combatants in Shining Path, they were the first to openly organise resistance against the violence, they were both ‘perpetrators’ and ‘victims’, resistant against violence and participants in violence. They were, however, as in any war, also victims of rape and abduction.

The political nature and massive scale of sexual violence against women in war has, rightfully, received increasing attention from researchers, human rights activists, truth commissions, and international tribunals. Rape is recognised as a war strategy, as a political act that often has very concrete aims: unsettling the community structure, ‘feminising’ men, changing the ethnic make-up of a society, creating a state of fear and silence, and demonstrating total control over a community (Nordstrom 1994; Hague 1997; Yuval-Davis 1997). It is now recognised that rape acted out on a mass scale, often in public, breaks down existing socio-cultural structures (Sideris 2001, 147). As a result of such considerations, during the 1990s sexual violence was incorporated into definitions of torture, human rights abuses and crimes against humanity. The International Tribunals for Yugoslavia and for Rwanda were the first to judge rape within such frameworks of international law, and thus contributed to the recognition of sexual violence as more than ‘collateral damage’ to war, but rather, as crimes against humanity (TRC VI, 1.5: 263-272; UNRISD 2005). In such legal and analytical frameworks, adopted by the Peruvian Truth and Reconciliation

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<sup>2</sup> As will be become clear throughout the article, I am not suggesting that this connection erases the violent political specificity of wartime rape; nor am I suggesting that what has happened to Peruvian women during the war years can be normalised because of the links to peace time social frameworks.

Commission, which was established in 2001, the systematic rape of women is thus seen as a political, strategic act, part of warfare and encouraged from above.

Although the evidence shows that rape was indeed a form of torture and a widespread strategic act of war in Peru, I suggest that there is another dimension to wartime rape that merits equal attention: besides the strategic and coordinated acts of mass violations and sexual abuse on the part of the armed forces, these same soldiers also took advantage of the situation and appropriated the bodies of young single women that they came to ‘desire’.<sup>3</sup> Whereas these acts also should be interpreted within the framework of political violence, at the same time we should broaden our analysis and start to differentiate forms of sexual violence according to the personal and social meanings attached to them (Turshen 2001: 55; Richardson and May 1999). As Sideris observes (2001: 146), such a distinction is not meant as an exercise in creating ‘hierarchies of rape’. Rather, increasing our understanding of the social context of rape might help us to examine the existing social norms and rules that shape gender inequality in a given society. Rape in wartime not only results in the breakdown of the existing social order, it is also reflected by that existing social order.

Before analysing several testimonies to examine the domesticated nature of particular cases of sexual violence in Peru, I first outline the context of the Peruvian conflict, and how violence, racism, and sexism determined the character of the relation between the state’s armed forces and the population in the department of Ayacucho – the Andean centre of the conflict. Second, I explain in which context the used data came into being. In a third section, I outline the normative and legal context in which rape and marriage is located in Peru. In the main body of the article, I examine three testimonies in detail. In doing so, I intend to show the contradictions and ambiguities that permeate the interpretations and meanings of complex events. These contradictions and ambiguities indicate the linking points between wartime crimes – unacceptable and ‘unprovoked’ violence- and peacetime norms –tolerated sexual violence against young women.

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<sup>3</sup> While I find rape and desire difficult concepts to join in one sentence, the pornographic nature of violence does suggest some sort of sexual arousal on the part of the perpetrators of sexual violence. If we believe scholars who argue that, in part, ‘men rape because they can’ (Pillay 2001: 41; Nordstrom 1993) than we should include a level of individual titillation and desire regarding forced sex in our analysis of rape –even if this titillation, in turn, is related to power and a desire to dominate.

## *II. The state, violence, and inequality in the South-central Andes*

The political conflict in Peru was initiated in 1980 by a group known as Shining Path, which aimed at destroying the existing social, political, and economic structures in order to build a new society. The violence started in the Andean highlands, where an impoverished and marginalised population became both agent and victim of a very destructive spiral of violence. Historically, the Andes and its population have been of relatively little importance to the central government and elites in Lima. As such, it is no surprise that the state took two years to take the activities seriously enough to respond to the violence. When it finally responded, the consequences were dramatic. In December 1982, several Andean departments were declared in ‘state of emergency’, which gave the military free reign in large parts of the country, in particular in the most impoverished and marginalised regions. Military and, later, paramilitary counterinsurgency forces (made up of peasant militias) transformed the conflict by adopting military strategies that had been characteristic of conflicts in Algeria and Vietnam or, closer to home, El Salvador. These strategies (which, from the military’s perspective, meant that every peasant was a potential terrorist) had severe consequences at the local level, and contributed to further alienating the population and destroying the existing social, economic and political structures. Almost immediately after the army took over, the region sank into a chaos characterised by violence and fear. Many rural areas became involved in a difficult to distinguish mix of conflicts; the ‘popular war’, as Shining Path called its actions, the counterinsurgency battle, and internal settling of scores, common crimes, cattle rustling and emerging conflicts as a result of displacements and refugees in existing settlements.<sup>4</sup>

In theory, the armed forces came to represent the Peruvian state in Ayacucho. However, in practice, the military did not identify with the majority of the Andean population and interpreted its authority as being independent from the state as a regulating force. Local authorities were replaced by military ‘*todopoderosos*’, all-powerful and violent men. TRC interviews with such *todopoderosos* show how their mandate was perceived. As one colonel stated: ‘There was basically no state, no

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<sup>4</sup> Several testimonies account for such events; see also a general account in the final report of the TRC and Theidon (2004).

public prosecutors, there was no court or judges, there was no-one who could look at this. There only was the military leader who could reprimand the soldiers, nothing else, no police, no nothing'.<sup>5</sup> As this officer suggests, military governance in the region did not include protection of the population. Not surprisingly, the rule of law was rarely observed. Instead governance was based on uncontrolled military power, and, as Henriquez and Mantilla have indicated, military power in Ayacucho was highly invested with a hyper-masculinity based on cultivated aggression and virility. The colonel explained the arbitrariness of such rule:

When one is responsible as autonomous leader of a certain area where there is no further control, where you can do and undo what ever you feel like, then it only depends on your own ethical values, on your own judgement of what is good and bad, because there is nobody else who can say if you're doing well or not, only your consciousness. So some, perhaps because of liquor or because of the temptation that women presented, or temptation of so many things [...] sometimes there were minor errors and I would give them (the soldiers) simple punishments.<sup>6</sup>

The work of the TRC has shown that these 'ethical values' and the consciousness of the collective and the individual soldier were systematically undermined during military training; shame and fear were diluted through military initiation rituals of imposed and horrific violence (Henriquez and Mantilla 2003: 87-91), while gang rape served as a particular kind of male bonding (Theidon 2004: 120-122). The 'enemy' was dehumanised (and arguably, the military in its footsteps). Surely, the particular interpretation of racial difference that exists in Peru –in which the more 'Indian' you are perceived to be, the more you are marginalised and disrespected- contributed to the process of dehumanisation. The Quechua-speaking rural population of Ayacucho and surroundings was perceived to be 'inferior' in many ways. Existing racist denominations are repeated in the testimonies of both the testifying victims as well as the soldiers. The rural population often described the perpetrators of an attack as 'tall

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<sup>5</sup> Interview with Colonel Raul Pinto Ramos, who was in Manta in 1985. TRC, individual investigations, *Violación Sexual en Huancavelica, Las bases de Manta y Vilca*. Declaración testimonial, Annex 44.

<sup>6</sup> *Idem*

men with blue eyes', or any other form of perceived racial differentiation.<sup>7</sup> In turn, name-calling involved racialised images, and gang rape often was framed in racist language.<sup>8</sup> Whereas racism is not the theme of this paper, as we will see, the pervasive and destructive racism of Peruvian society is relevant to the nature and outcome of the conflict in general, and the violence with which the Peruvian army entered the Andean region in particular (Manrique 2002).<sup>9</sup>

### *III. The data*

In 2001, a transition government set up a much needed Truth and Reconciliation Commission (TRC) to officially 'close' this period of violence with an in-depth investigation into the events during a period of twenty year. This investigation included public hearings, individual interviews of victims and perpetrators, on-location investigations and the identification and examination of the contents of mass graves. The TRC collected 17,000 personal testimonies. Based on the gathered data, the TRC estimated that of the 69,280 victims the war produced, 85 per cent were indigenous and rural-dwelling. Although the majority of deaths (54 per cent) are attributed to the violence of Shining Path, at least a third is attributed to the armed forces, with the rest coming at the hands of government-supported peasant militias and a smaller guerrilla group called Movimiento Revolucionario Tupac Amaru. Although sexual violence was attributed to all involved parties, the TRC claimed that the majority of acts of rape were perpetrated by the armed forces and the police.<sup>10</sup> Both the army and the police forces employed an explicit cultivation of an

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<sup>7</sup> A lively myth tells of the *pishtaco*, a white man with clear eyes who roams the Andes to suck the fat of his victims. The fear of the white man is encapsulated in such myths, and survive up til today. See: Weismantel 2001; Portocarrero 1991.

<sup>8</sup> 'You *chola*, can put up with more' ('Tu chola puedes aguantar más') just before 5 soldiers rape her. The complex word *chola* is here used to denigrate people of indigenous descent. TRC, individual investigations, Violación Sexual en Huancavelica, Las bases de Manta y Vilca. Declaración testimonial, Annex 49.

<sup>9</sup> Initially, the Peruvian elites estimated that the war resulted in 35,000 victims. After meticulous research, the TRC commission concluded that , 69,280 people died or disappeared, the double previously thought. As we saw above, the majority of this 69.280 was of indigenous descent, which was strongly linked to what Salomon Lerner, chair of the TRC, said about the 'forgetting' about those 35,000: Peru is 'a country where exclusion is so absolute that it is possible for tens of thousands of citizens to disappear without anyone within integrated society taking any notice of this'. See [http://www.cverdad.org.pe/informacion/discursos/en\\_ceremonias05.php](http://www.cverdad.org.pe/informacion/discursos/en_ceremonias05.php)

<sup>10</sup> The violence, including gendered violence, of Shining Path was based on a different ideological framework than that perpetrated by the army and the police. Whereas the sexual violence of the latter might be called a magnification of existing institutionalised and normative violence against women (and especially Quechua speaking rural women) –the theme of this article–, the violence of Shining Path was *countering* these existing patterns. Especially in the first years, Shining Path imposed strict

aggressive masculinity and the exaltation of uncontrollable virility (Henriquez and Mantilla 2003: 91).<sup>11</sup> TRC investigators Henriquez and Mantilla suggest that rape and other forms of sexual violence was indeed a war strategy against suspected terrorists - i.e., the whole rural population-, and a form of torture, imposed from above and out of control at the bottom.

With great effort, and, as these researchers claim, against ‘tide and storm’, members of the TRC have collected relevant testimonies with regard to sexual violence and women’s experiences in general in order to highlight the specific gendered character of the war.<sup>12</sup> Nevertheless, the researchers estimate they have only been able to collect testimonies referring to seven per cent of the actual cases of penetrative sexual violence.<sup>13</sup> This lack of testimonies and denunciations is, of course, a known characteristic of sexual violence, and should not discourage analysis (TRC vol VI, chapt 1.5: 272-277; Hayner 2002: 77; Meintjes and Goldblatt 1997). Based on available data, collected through personal testimony, the Peruvian TRC made a comprehensive analysis of the characteristics of the occurrence and nature of sexual violence between 1980 and 2000, and of the perpetrators and victims. The TRC was not put off by the scarcity of direct testimony and the lack of testimonies that might allow for legal prosecution. Instead, drawing on the general presence of references to sexual violence in narratives about massacres, disappearances, detentions, and torture, the TRC has concluded that sexual violence in all its forms was widespread (TRC vol VI chapt 1.5: 272-277). Based on available data, the TRC concluded that the majority of victims were under 30 years of age, had little to no formal education, spoke an indigenous language as their mother tongue, and lived in rural areas, especially in the department of Ayacucho. These characteristics correspond with the general picture of

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moral rules upon communities whereby adulterers and rapists, for example, were publicly and violently punished. Nevertheless, although rape and abuse was strictly forbidden among the cadres, there is ample evidence of forced unions, pregnancies, sexualised torture, and sexual slavery (APRODEH/TRC 2005: 115-136).

<sup>11</sup> Of course, the role of masculinities in warfare has been studied by Cynthia Enloe (1990), Yuval-Davies (1997), Jolly (1999), Kelly (2000), Dolan (2002), Dudink, Hagemann and Tosh (2004).

<sup>12</sup> Involved feminist researchers had to push to get a proper inclusion of gender as an analytical category in the investigation. Although, in the end, the TRC included a section on gender and on violence against women, only very little direct information could be gathered. Mantilla and Henriquez’ title of their report (2003) is telling (‘Contra viento y marea’). The one valuable case study carried out to investigate sexual violence and collect testimonies from abused women was done by one determined student, Mercedes Chrisostomo (2005).

<sup>13</sup> For legal purposes, this seven per cent only includes penetrative sexual acts whereby the victim and perpetrator are known by name. TRC, vol VI VI chapt 1.5: 272-277

the rural indigenous population in the central Andes as the victims of the violence (idem).

For the present article, I selected testimonies that formed part of an in-depth study of sexual violence in the communities Manta and Vilca that the TRC carried out (Chrisostomo 2005).<sup>14</sup> Manta and Vilca were notorious for the cases of sexual violence due to the extended presence of a military base. Therefore, I also looked at the testimonies collected in San Miguel, another area in Ayacucho where a military base was present. Although it would be reasonable to assume that the people of San Miguel suffered similar levels of sexual violence as did the people of Manta and Vilca, the testimonies show surprisingly little direct evidence of such acts. This lack of direct testimonies of rape confirms the difficulty of collecting such data and the value of paying specific attention to the personal testimonies of women as was done in the case of Manta and Vilca. Informal interviews with present-day grass roots leaders in San Miguel confirm, for example, the widespread presence of children that were conceived after rape in the 1980s.<sup>15</sup> Interviews carried out by the anthropologist Kimberley Theidon (2004) in other communities in the area, also confirm the large extent to which women were raped and abused and the code of silence that surrounds their experiences. Nevertheless, as Theidon observes (2004: 130), the few who spoke up implicitly gave the interlocutors the responsibility to help them fight the existing blame and shame, the stigma attached to raped women and their children, and the consequential distorted history that is told about the war and women's roles in it. In addition, I think it pertinent to disentangle and highlight the interlinkages between peacetime and wartime sexual abuse in order to increase our understanding of the continuing violence many people experience.

## *II. Regarding rape and marriage*

According to the testimonies, and confirmed by activists who survived the period of violence, in the communities and their surroundings where military bases were present, many children were conceived by soldiers, but were subsequently abandoned

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<sup>14</sup> The translations of the texts are my own. It goes without saying that I have changed the names of the person's whose testimonies are discussed below.

<sup>15</sup> Interviews Nelly Mejia and the Organización para la Defensa de las Mujeres y los Niños, San Miguel, Ayacucho, April 2006.

by their fathers and left with their mothers.<sup>16</sup> However, the records also show that some soldiers recognised their offspring, giving the children the desired ‘legitimacy’, and in some cases, soldiers and local women got married or were involved in longer term affairs. Mercedes Chrisostomo (2005: 25) suggests that, besides the possibility that actual love affairs between soldiers and community members occurred, women might marry soldiers as a survival strategy for themselves and their families. Chrisostomo implies that such alliances could have prevented multiple sexual abuse or that family members will be tortured, killed, or imprisoned. Theidon (2004: 117) concludes that sex was indeed used as an asset to get family members out of the hands of the military. In this article, I will highlight a different –and substantially more ‘domestic’- strategy: the use of marriage in order to avoid an illegitimate child and to save the honour of the young woman and thus her family. Thus, I explicitly remove these commitments to get married from the elsewhere discussed concept of ‘forced marriages’ as was widespread in wars throughout the world (UNRISD 2005), as the type of coercion used in this particular case, was, I suggest, based on peace time moral norms and even national legislation.

The idea that marriage could save a raped woman’s honour is rooted in historical, patriarchal, gender norms. Article 178 of the Peruvian penal code, enacted in 1991, which states that rapists and their ‘co-authors’ (in the case of gang rape) are exempted from prosecution if the (or one of the) perpetrators marries their victims, was based on the 1863 penal code (subsequently revised in 1924). These laws were meant to protect the honour of the victim and of her family, who had to enter such arrangements with full consent. As Tanja Christiansen, writing about nineteenth-century gender issues in Northern Peru, notes, marrying your rapist could ‘shield the young woman from public perceptions of complicity in her own downfall’ (Christiansen 2004: 7). Instead of losing her virginity because of immoral behaviour, a young woman –or, rather, her father or tutor- could claim that the act had taken place under duress, thereby saving the woman’s personal virtue. Marriage, in turn, would solve the problem of a lost virginity and an illegitimate child, and thus of honour.

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<sup>16</sup> Evidence suggests that women also aborted babies conceived after rape, or left them to die after giving birth. As Theidon indicates, the practice of letting babies die when they were born with physical problems or after rape, is long established among many Andean communities. During the war, the feeling that children conceived with so much pain and fear could not have a normal life made this practice, in the eyes of the mothers, rather an act of mercy than of cruelty (Theidon 2004: 126-127)

Nevertheless, as Christiansen reveals, such claims of rape and demands for marriage to save a woman's honour were class –and thus ethnically- biased.<sup>17</sup> The largely indigenous peasant population was not automatically included in the framework of family honour and female sexual morality, although all social classes were concerned about honour one way or the other (Christiansen 2004: 4; Stern 1995). As we will see, in the case of sexual assault of young single women by soldiers stationed in Andean communities during the 1980s and 1990s, the quest for marriage contained both an appeal to family honour as well as, it is likely, to temporary protection and even future economic support in case of conception. Ironically, while the *absence* of a regulating State and normative social structures facilitated the widespread rape of young women in these war-years (TRC, vol VIII, chapt 2.: 73), it was probably the *presence* of a hierarchical state institution –the army- which made the resulting demands for marriage possible.

The profile of the perpetrators of these rapes as representatives of an authority legitimated by the urban *criollo* (white/European descendent) and *mestizo* (mixed race) elites might be important in these cases of demands for marriage after rape because of the relationship between national legislation and 'access' to systems of honour and morality. Among Andean peasant communities, gender roles and the 'rules' of marriage and honour were (and are) distinct from the European, Catholic, patriarchal institutions that inform the Peruvian legal framework and elite morals (Powers 2005; Socolow 2000; Silverblatt 1985). 'Traditional' unions among the Quechua speaking indigenous population were directed at creating new productive units, in which labour was the most important asset, rather than 'blood', honour, and moral values.<sup>18</sup> Formal marriage often came after a couple experienced a period of living together (*convivir*) or childbirth. Female virginity is, considering the custom of union before marriage, no condition for marriage (Bourque and Warren 1981; Lapidra 1985; Powers 2000). Similarly, while formal marriage is considered a useful

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<sup>17</sup> Race, class and ethnicity are strongly related, especially in Peru, and the literature on the subject is vast. To avoid an inevitably long but incomplete list, I refer to De la Cadena (2000) and Manrique (2002) as two important works that have informed my thinking on the subject.

<sup>18</sup> With 'traditional' I refer to a) socio-cultural norms that have historical roots, i.e., they are 'old', and b) socio-cultural norms and rules that are stereotypes, repeated in literature, ritual and art, but are not necessarily practice in contemporary (or historical) reality. I realise that the distinction between tradition and invented tradition is never straightforward.

tool in gaining access to certain economic resources, including inheritance for both women and children, the practice of *convivir* is very common both in rural communities as well as among urban *mestizo* or *criollo* communities (Bourque and Warren 1981; Mannarelli 1991; Deere and Leon 2001, 32-60).<sup>19</sup> The penal code on sexual violence that permitted rapists to go unpunished if they married their victims was, as we saw above, modelled along lines of Euro-Christian interpretations of gender relations and duties, and, as Christiansen showed, was not necessarily believed to be applicable to indigenous populations. Nevertheless, national legislation was one of those mechanisms with which elite norms and values trickled down to non-elite social groups (Christiansen 2004: 40).

#### *IV. Promised to be married*

As I indicated above, there is considerable evidence to suggest that the rape of young single women in wartime Ayacucho could be perceived socially as different from sexual torture if and when there was a possibility of translating the event into a promise to be married. The community could easily confuse the rape of young women with women's own 'provocation': men are 'naturally' provokable while women are the obvious seducers –a discourse which keeps turning up in debates around rape everywhere.<sup>20</sup> Such widespread accusations of women as complicit to their own rape must have made it even more difficult for young women to denounce the events, both in wartime and peacetime. An alternative then, was to seek protection from the perpetrators and accept the proposition of *enamorarse*, 'falling in love'. For the soldier, of course, a promise to be married would give him easy and legitimate access to a young woman's body.

Whereas the discussed law was based on the link between family honour and female sexual purity, in the case of indigenous women raped by *mestizo* soldiers, several

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<sup>19</sup> Certain perceptions on sexual mores are changing rapidly: under influence of feminism and liberalisation, women and men redefine their roles and relationships, leading to more autonomy for women. At the same time, however, a quest for economic success and moral integration (what people often name 'civilisation') among poorer sectors leads to the pushing up of the accepted age for childbirth and an accompanying new emphasis on virginity before marriage in some sectors, and decreasing acceptance of single motherhood. In addition, there is growing intolerance for domestic violence, including incest.

<sup>20</sup> A survey recently carried out by Amnesty International in the UK, showed that a majority of Britons believe that women are to blame for their own rape if they dress in a certain way, flirt, or get drunk. Not surprisingly, conviction of rapists is very low in Britain.  
[http://www.guardian.co.uk/crime/article/0,,1650583,00.html#article\\_continue](http://www.guardian.co.uk/crime/article/0,,1650583,00.html#article_continue)

other considerations should be taken into account. The accusation of women's provocation could be linked to the betrayal of the community (politically and ethnically); 'seduction' and pregnancy without marriage could provoke accusations of prostitution; and the rape itself could increase fear and a quest for protection, however feeble. Thus, although we can view the domesticated rape of young women as being different from the systematic gang rape of women aimed at unsettling people and communities, these events and especially its consequences, are highly political. The event is domesticated not because the rape *is* less political, but because the victim, the victim's community, and society more broadly *can perceive and frame* such violence within existing norms and legislation that incorporate the rape and subordination of women as part of daily life.

In this section I will discuss three testimonies: one of a man of whom various family members were raped by the military and whose testimony balances between feelings of terror and blame. His view of the events –as the claimant of rape and marriage in the name of two family members- shed a useful male light on the issue. I will also look at a testimony of a woman who claims to have been engaged with a soldier in order to protect herself from the continuous harassment and rape from the base's leaders during parties to which many young girls were forced to attend. First, however, I will look at the testimony of Rosalia, a woman raped and, subsequently, offered marriage by her rapist in 1985.

*Rosalia: the ambiguity of rape and consent*<sup>21</sup>

Rosalia's case is exemplary in the sense that it shows all the dilemmas surrounding the issue. Rosalia's story shows how forced sex and forced union were one and the same from the perspective of the victim, but also in the perception of others, including the Truth and Reconciliation investigator who took her testimony. Her testimony seems straightforward and clear. Nevertheless, the interviewer asks her to start anew, now guided by questions from the interviewer in order to establish an exact chronological order. Although the TRC could bring little hope of any justice, a case like Rosalia's was a potential judicial case, for which a detailed testimony was

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<sup>21</sup> TRC, individual investigations, Violación Sexual en Huancavelica, Las bases de Manta y Vilca. Declaración testimonial, Annex 56.

necessary.<sup>22</sup> This creates tension between what Rosalia wants to say and how she says it, and how the interviewer perceives her story in the light of possible judicial procedures. This tension sheds light upon the way in which Rosalia experienced and interpreted the events.

Rosalia begins by telling the interviewer how one soldier of the military base in her village had been after her for weeks, following her when she came back from school, whistling and calling her by her name. Rosalia felt threatened by this and sought protection from her mother and her aunts. On one December night in 1985, four drunken soldiers forced their way into the house where she lived with her mother. The leader of the group, known as Captain Piraña, told the mother that one of his soldiers was in love with her fifteen-year old daughter, Rosalia. The mother resisted and tried to throw the soldiers out, however, instead they threw her out of the house. Rosalia was shut in a room with the soldier in question. He tried to seduce her with promises of love and marriage, but Rosalia claims that she did not give in. Finally the soldier told her that ‘if you don’t want to be with me in good faith (*a la buena*) I will kill you.’ He then raped her.

The next day, her mother insisted on going to the military base to ‘clarify things’. Since Captain Piraña was the leader of the base at that time, it is unlikely that a denunciation would have led to any sort of punishment. Nevertheless, Rosalia’s mother insisted that the soldier ‘should take his responsibility’ and marry her daughter. Captain Piraña gave the mother and the daughter a piece of paper which supposedly committed the soldier to marrying Rosalia as soon as he came off-duty, a couple of weeks later. Although the mother was illiterate, she signed the paper with her fingerprint. Rosalia also signed the paper, although she said that she was made to do so and that she had not read the document fully. Nevertheless, according to her mother and the captain the case was now closed and settled. For Rosalia the signed piece of paper meant that she had admitted to having had sexual relations with the soldier. For the soldier, it was a social and judicial legitimization for continuing a sexual relationship without giving Rosalia the possibility to resist again.

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<sup>22</sup> The Peruvian TRC did not promise amnesty to anyone, but it could not prosecute or charge anyone either. The TRC could only gather as much detailed information as possible in the hope that the judiciary would pick up cases for prosecution. Very few cases have been taken to court.

Contrary to many other soldiers who, according to several testimonies, never came back for their fiancées after they were sent to another base, Rosalia's soldier did come back. He stayed with her in her house, with her mother and grandmother. However, he only stayed one week – during which he repeatedly had sexual relations with Rosalia, she remembers every day- and then left again and never came back. During this time, Rosalia became pregnant. It is this pregnancy which is the subject of debate between Rosalia and the TRC interviewer. The question that needed to be answered was as follows: was the child the result of rape, or of marital consent?

The transcription of the testimony of Rosalia is a difficult read. The interviewer treats Rosalia as if she was guilty of something. He seems to interrogate her, and talks to her as if he was talking to a child, instead of letting her tell her story as she experienced it. As far as Rosalia is concerned, the daughter she gave birth to was the product of the first rape under the supervision of the captain and several other soldiers, and with the knowledge of her mother. The sex she had with the soldier in January, when he came back for her, was an extent of the rape she was submitted to in December. To her, it was all the same. By contrast, according to the interviewer, the daughter was the product of non-violent sexual acts between husband and wife –as, after the interviewer's interrogation and the calculation of dates and months of sexual unions, menstruation and the date of birth- it appears that conception took place in the week that the soldier came back for her and obliged Rosalia to 'consented' sex. The interviewer seems rather cross with Rosalia for making the TRC believe that the baby was a product of a rape, while, according to him, it was clearly not:

*Interviewer:* So it is more probable that you, that your daughter who was born on October 18, was, well, was born as a result of the sexual relations that you had with your husband, with your consent, in January. That would make for the nine months which it normally takes in pregnancy, is that not true *mamita*?

Rosalia's answer cannot be different than a 'yes'. For the interviewer it is not enough though, as he continues:

*Interviewer:* 'When I took your declaration earlier, you did not tell me this. You said that as a result of the rape, you had a baby; that is what you said. And your daughter

was not born as a result of this rape, as we were discussing earlier, rather, she was conceived later, when you had relations with your consent, when there was no violence, is that not true? So that means that there was no violence involved in conceiving your child, so why did you tell me that she was the product of violence?

*Rosalia:* But if it was not for this rape, I would not have had my daughter.

The interviewer repeats this argument three times and makes Rosalia agree with him every time –as if to make sure that his version is the ‘correct’ version. Rosalia’s ‘consent’ to a future union, signed by the soldier in question, a military superior, and the girl’s mother, meant that legally, she could not claim that her child was the product of rape –even if she did experience it as such. The interviewer’s task is not only to take a testimony that is as accurate as possible from victims as *they* experienced events, but also to try to establish ‘facts’ for legal purposes. If Rosalia’s child had not been the result of rape, but of consent, then that would change her legal claim.

Nevertheless, in Rosalia’s view, the child was the result of rape (as she explicitly states, ‘if it was not for this rape, I would not have my daughter’, she did not mean that positively), and the events in January were one continuous rape. Her ‘consent’ was obtained under threat and violence during the December events, and, once raped, she did not seem to have a way out anymore. Her mother, present at the December events, was violently thrown out of her house by three soldiers and must have heard and seen Rosalia’s protests and resistance towards her ordeal. Nevertheless, she insisted on a further commitment. The interviewer asked Rosalia to explain why her mother felt the need to denounce the events at the base, given that it was obvious that the captain in charge, Piraña, would protect the rapist. Rosalia tries to explain:

*Rosalia:* Yes [my mother said], ‘let’s go to the base, how is it possible that he came in like that, who was that who treated you as such’, that is what my mom was saying before she went [to the base]. My mother is illiterate, she does not know, she is old.

[...]

*Interviewer:* What, who? Did she say that the captain should be held responsible for the events, something like that?

*Rosalia:* No, she said that he should be held responsible for me

*Interviewer:* That he takes responsibility for what he had done.

As Rosalia and her mother had gone to the base the day after the event, their motivation was not necessarily related to her pregnancy. If that would have been the case, they could have waited and made a deal with the captain that she would marry if she became pregnant, as happened in the case I discuss next. The mother seemed to have taken this step because of the rape itself, because of her daughter's violated virginity, and the possibility of marriage with the soldier. The implication is that, for the mother, the option of marriage would have protected them against the stigma that would result from Rosalia's alleged complicity in the events. After all, her young age and the soldier's public advances made her rape a typical case vulnerable to accusations of 'seduction'.

Finally, the interviewer asks Rosalia again why she did not tell him immediately that her daughter was not the result of rape, but of consented sex, and suggests that she perhaps became nervous:

*Interviewer:* You were nervous

*Rosalia:* Yes, well, always

*Interviewer:* You were nervous, why were you nervous? Because of remembering these events or because...

*Rosalia:* Well, when I remember these events I feel like crying because of the things that happened to me and when I remember [she starts to cry].....

Although the interviewer's understanding of the events and his resulting reconstruction of Rosalia's memories was guided by a valid and understandable judicial interest, the interviewer's attitude towards Rosalia's own interpretation seemed also based in a belief in Rosalia's actual complicity; complicity in the events and in her 'erroneous' account of the events. As the testimonies of raped women show, most of them had never spoken about their experiences before giving testimony. It is unlikely that Rosalia deliberately 'lied' to the interviewer, although he seems to imply that with his question. Instead, she gave her personal account of the events and the consequences of these events: a child conceived through traumatic events: multiple rape and imposed complicity.

*Aurelio's story: ambiguity of blame and terror*<sup>23</sup>

Aurelio occupied one of the very few public administration jobs left at the local level: he was the civil register in Manta, the same community as Rosalia's. That is why he was interviewed twice: he gave a testimony to the TRC about his personal experiences, and he was interviewed by a special investigative committee. Both accounts tell the same long story of abuse against him and his family members. Most strikingly, as we will see, Aurelio tells of two different events in which female family members were raped. Although one could argue that both events were very similar, motivated by the same (military-political) source, and with the same destructive consequences for the women and their families involved, Aurelio perceives the two events as profoundly different.

Through his job, Aurelio knew about the many cases of rape, of the orphans and single mothers. He claims he registered at least 32 children without a father, and many others with fathers with fake names, such as 'Edy Militar' or Señor 'Capitán'. This practice is underpinned by the documents women took with them to prove their cases before the TRC: As the testimonies could have led to legal action in the future, the testimonies were accompanied by all potentially valuable documents. As such, the few women who reported rape and consequential pregnancy to the TRC presented the signed documents in which marriage was promised; the birth certificate of the child with the absent fathers' signature, or indeed, a birth certificate with only an indication of the father –such as Edy Militar. Aurelio not only 'knew' about these 32 children, he also reported these cases as being the result of rape.

The interviewers asked Aurelio details about when, where, and who the soldiers raped during their stay in Manta. He recalled that the soldiers started raping their women from the start: at the vigil for the first victims from a military operation, in the house of a family member. Six soldiers forced their way into the wake and started to ask the names of the youngest women present. After the women had said their names, the soldiers then claimed that they 'were on the list' as being suspected of terrorism, and that they would 'investigate' their cases. This investigation meant that the women

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<sup>23</sup> TRC 314025; TRC, individual investigations, *Violación Sexual en Huancavelica, Las bases de Manta y Vilca*. Declaración testimonial, Annex 7.

were taken into the kitchen and raped by all the soldiers. The men were pushed outside, but they resisted. This did not change the course of events; it only meant that the men were in the room, with the dead, while they heard the women being raped in the room next door. This event was an obvious strategic action on the part of the soldiers to increase the control over those people who might still want to resist the rule of the military. The next day, the military ‘pacified’ the community members present at these horrific events by handing out food to their families. The raped women received, in the words of Aurelio, ‘huge presents’. Of course, such actions must have increased the women’s feelings of shame and guilt, as the presents implied that they were complicit with what had happened to them.

Aurelio was asked if he had further knowledge about rape in Manta. He proceeded by telling the TRC interviewers of the rape of his daughter and sister, both fourteen years old, and at a later time, of his niece. The two fourteen years old were raped by two soldiers in their own home; no-one else was present. Aurelio believes that the soldiers had come to look for the parents, to accuse them of terrorism and to take them away, but, as they were not in the house, decided to rape the girls instead. Aurelio was not informed about the events until two weeks later, when his wife told him. He responded by going to the military base to denounce the perpetrators to the responsible Lieutenant. Aurelio remembers that the lieutenant in charge fulminated against him and the girls, denying any blame. However, in the end the lieutenant told the girls to get married to the accused soldiers. Aurelio proposed to wait until it was clear if the girls had become pregnant or not, which is indeed what had happened. However, several months had passed by that time and one of the responsible soldiers had moved on to another base. Angry about this, Aurelio told the Lieutenant that he should not have let the soldier leave the base because ‘that is why there are so many children without a last name’, i.e., not because of rape, but because the rapists ‘do not take their responsibility’ afterwards.

Aurelio wanted the soldiers to ‘take responsibility’ and so went to the colonel based in the provincial capital of Huancavelica to ‘demand justice’. The colonel proposed that Aurelio should ‘wrap the baby in a newspaper and hand him over to the father’. Aurelio refused and, instead, demanded to know the names of the perpetrators and to

meet their families.<sup>24</sup> One of the soldiers had escaped not to be seen again, the other one had promised Aurelio's sister and her family that he would marry her. His sister was in a similar situation to the one Rosalia had been in: According to Aurelio, she had become pregnant when she was having a relationship with the soldier, after the rape.

*Interviewer:* Excuse me for asking, but does the date [of birth] correspond to the date of the rape?

*Aurelio:* Of my daughter?

*Interviewer:* Yes

*Aurelio:* Of my daughter it does, of my sister it does not.

*Interviewer:* So that means that [the child] can be from another man?

*Aurelio:* No, like they say 'he had conquered her' by then, as they had told her that she had to get married

*Interviewer:* That means that your sister accepted the father.

*Aurelio:* They were lovers.

*Interviewer:* Afterwards?

*Aurelio:* Of course.

*Interviewer:* Or before the rape?

*Aurelio:* No, no, afterwards.

*Interviewer:* During the rape, did the girls resist? It is rape when there is force, but when it is done nicely they conquer her, or perhaps she just accepted him, that does happen.

*Aurelio:* As far as I know, that was not the case, only afterwards.

*Interviewer:* Ah, so your sister was not raped.

*Aurelio:* She was raped.

*Interviewer:* The first time, afterwards they had consented relations and as a result of that she became pregnant.

*Aurelio:* Yes, that is why [the dates] do not coincide, I also realise that.

Aurelio clearly indicates that his sister and the soldier had a relationship 'because they had told her to get married'. Nevertheless, the interviewer does his outmost to find out if this was not a case of an ordinary relationship between a local girl and a soldier, which could have been, indeed, a possibility. Aurelio claims this was not the case.

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<sup>24</sup> Soldiers operated under pseudonyms.

Perhaps Aurelio initially pursued the marriages in order to save his daughter and sister from ending up with illegitimate babies. However, he must have realised how violent and traumatising the events were for these girls. Had he not witnessed the rapes of other young family members, by six soldiers during a wake? Had he not realised that the soldiers had not come to ‘seduce the girls’ but to abuse the girls because they could not find the parents? His testimonies indicate that he did realise all of this. Nevertheless, he pursued the marriages of his daughter and sister according to the ‘normal’ rules of courtesy: by demanding to meet their families before agreeing to marriages. Faced with the TRC interviewer, Aurelio insisted on the violent origin of both pregnancies, but found the solution of marriage acceptable. Is it better for the family’s reputation -or for his as the patriarch of that family- to claim that one’s sister has been raped rather than seduced? Is being a victim who is to be married more acceptable than being ‘only’ a victim? Is having your rapist’s child more bearable when he recognises your child?

Aurelio was aware of what was happening in his village. He knew many women were raped, but he also admitted that sentimental relationships could occur between women and soldiers. However, all his references to ‘relationships’ started with references to violence: the girls were forced. Nevertheless, in his account, girls were clearly victims when raped, but became part of ‘normalised’ relations afterwards. In his words, the girls ‘got used to it’, although that meant, in his eyes, that they were corrupted as well:

*Aurelio:* I have heard that the girls themselves went to look for... they basically turned the girls into (unintelligible) they had to force them and take them to the base to watch videos; what will they have shown, porn, they watched and then invited them to eat and that is why I say, the girls liked it.

*Interviewer:* Because they liked it or because they were afraid?

*Aurelio:* because they were afraid.

[...]

*Aurelio:* Almost every three months, because every three months there was a change of troops, so what kind of people...and the first thing they looked for was the girls, even if they had had relations with those who just left and they had to do it with the others again, that is why I think the girls here in Manta have been corrupted.

*Interviewer:* And the majority did not denounce these events?

*Aurelio:* They did not denounce them because they were already used to live with the troops.

Although in his statement he recognises that the girls were largely forced to engage with the troops, Aurelio also realises the power of food, and the power of repetition. The girls might indeed have gotten used to being with the troops, receiving food and protection. This, again, points at a normalisation of wartime crimes; it points to the incorporation of the extraordinary into everyday survival strategies of the targeted young women.

*Sonia: strategic alliance*<sup>25</sup>

The last testimony I briefly want to look at points to how the young women were targeted, and how they could negotiate their safety within the existing threats –by becoming engaged to a soldier. This testimony also confirms the argument I made above: sexual torture and sexual exploitation are different forms of rape, not because of the degree of violence or the experience, or even the effect, but because of their social meaning. The story of Sonia shows that the use of sex as a political strategy legitimated from above, easily becomes part of a masculine military culture in which sexual desires (real or cultivated) and the subordination of women (note that these are not necessarily enemy women) become an orgy of sexual submission and display of male power –a display that is strongly related to political conflict, but that does not fit in the same interpretative social framework. Sonia becomes indeed an accomplice in the domestication of rape: she seems to have negotiated rape, violence, and humiliation to and turned her experience into what is, for her, a socially more ‘acceptable’ story.

In 1984, Sonia was fifteen when she came back to Manta after spending some time in Lima. The military base had just been established, and everybody in the town was considered a suspect. Like all new arrivals, she had to register at the base and was intimidated during the occasion. After that, she was called perhaps once or twice a

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<sup>25</sup> TRC, individual investigations, Violación Sexual en Huancavelica, Las bases de Manta y Vilca. Declaración testimonial, Anexo 52

month, together with several other girls, to attend to the military leaders at the base. The girls would be locked in a room at the base where there would be music and alcohol. Often, their mothers waited outside. When the soldiers drank enough, they started to feel up the girls. In Sonia's account of the events, some of the girls escaped when the soldiers became touchy, but other girls, in her words 'those who were more humble, from the village they were more submissive' stayed and would be assaulted. Although Sonia escaped such a party once, she could not escape rape. Her account of her rape is contradictory as she tries to negotiate her story between an image of resistance and strength against powerful men (which 'other girls, more submissive girls' did not show), and the likely force she was exposed to. After all, the rape she and the other girls were victims of was not enforced with a gun to her head. It was not part of torture. It was not done in her house with other family members present. The stigma attached to being raped during a party where food and alcohol was served and music and videos played, must have encouraged Sonia to emphasise her resistance against these practices.

In this context it seems a strategically good option to ally with one soldier –to avoid being raped by several twice a month. Sonia accepted a soldier who followed her around. She became pregnant of him. Like Rosalia, in her testimony Sonia was vague about the origin of the baby. Was her daughter the product of rape or consent? She finally decided that the baby was the result of consent, as the girl was conceived in the period when she had accepted the soldier as her future husband. As soon as she became pregnant, he presented himself to her family and promised to marry her. However, Sonia gave birth alone and never saw him again.

Sonia's testimony is short. She admits that the child she gave birth to was not the product of rape (in the judicial definition of rape). As such, she was not submitted to the detailed questionings that Aurelio and Rosalia underwent for legal purposes. Her testimony is, however, very important, as it is illustrative of many girls' experiences. It shows that obtaining a promise of marriage could indeed become a survival strategy for women: according to Sonia, once the soldier promised to marry her she became exempt temporarily against the demands of the military chiefs that young women should attend their parties and provide sex. Nevertheless, although she might have been better off this way, it also made her an accomplice in her own downfall and in

that of the community –in Aurelio’s words; she was now a ‘corrupted’ girl. As Aurelio indicates, and Sonia confirms, young women, or girls, had no choice but to become accustomed to the presence of soldiers and to comply with the sexual demands made of them. However, she also shows, however incompletely, that young women developed their own strategies to limit the level of sexual violence they were submitted to.

### ***V. Concluding remarks***

The promises of marriage, between soldiers who raped young and implicitly ‘available’ girls during the war that raged in the Peruvian highlands in the 1980s and 1990s, turned the extraordinary into the everyday. Wartime crimes were domesticated into peacetime custom; political oppression became ‘normal’ gendered oppression, in which the family had a say. The discussed testimonies suggest that this domestication of rape did not ease the pain or decrease the traumatic effect of sexual violence. Nevertheless, the women and their families seem to have taken the political aspect out of these particular cases of rape by bringing the events into the everyday domestic sphere, and in doing so, made the experiences seemingly more tolerable, at least on the level of the family and the community

The actors in the events narrated above constructed different meanings of the same events, although all were lifted out of the most immediate context: strategies of warfare. The colonel who was interviewed about the rapes in Manta and Vilca suggested that the all-powerful role of soldiers ‘logically’ increased the possibility of rape. Of course, he did not confirm that rape in the military bases was a military strategy; rather, he said that the claims were due to ‘some soldiers who were seducers’, or that rape was the result of ‘minor errors’ due to male temptation.<sup>26</sup> Rosalia interpreted her experience as a continuous rape, but was forced into a situation of ‘consent’ through the deal made by her mother and the military authority. This ‘consent’ also took away the public recognition of the origin of her daughter as the result of rape. For the TRC, her promise to be married was indeed a legal impediment to prosecution. Although aware of the political and violent nature of the sexual attacks on the women of his community and family, Aurelio saw marriage as a

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<sup>26</sup> Colonel Raul Pinto Ramos, TRC, individual investigations, *Violación Sexual en Huancavelica, Las bases de Manta y Vilca. Declaración testimonial*, Annex 44.

last chance to ‘save’ his family members from the fate of other raped girls: moral corruption. Perhaps Aurelio had ulterior motives, such as establishing a political alliance with the military, but his behaviour towards the military authorities suggests otherwise. Sonia, in turn, became one of those ‘corrupted’ girls when she was ordered to please the soldiers at their parties. By resisting the public humiliation in the military base, and, instead, promising herself to one soldier, she probably ‘bought’ herself some respite. In doing so, she also gave birth to a child conceived under the ambiguous term of ‘consent’, just as Rosalia had done. As such, all explanations given by the victims and their family members can be understood as acts of resistance and survival in the face of danger; however, they should also be interpreted as strategies to ‘normalise’ atrocities, and thereby, limiting their personal, social and political impact.

Chrisostomo has observed that in the affected communities where she carried out her research –and where the above studied testimonies were collected- rape and sexual abuse was not included in the community members’ interpretation of the gross violations of human rights they had lived through. In the narratives of most community members, there were no victims of rape, as sexual violence did not fall in the interpretative category of human rights violations, or of political violence (2005: 24). The testimonies and, for example, emerging popular representations of the atrocities, indicate that this denial was not absolute; explicitly torturous rape, especially in public, are included in the communities’ collective memory of these times of fear.<sup>27</sup> Nevertheless, the less public, less explicitly political rapes are scarcely documented, little referred to, covered under a discourse of shame and guilt, and included in moral discourses of fallen women and virile soldiers. Thus, although community-members were aware of the political nature and possible consequences of the rape of their family members, certain forms of rape did not fit into the social construction of illegitimate violence, rather, it was the proverbial ‘collateral damage’.

The fact that these practices were legitimised by national law confirms that rape in war was embedded in existing social structures. Rape in wartime not only unsettles

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<sup>27</sup> The Ayacuchano anthropologist and artist Edilberto Jiménez Quispe, for example, made drawings based on the experiences of the population (2005). This compelling document includes rape, as it does other atrocities. See also: <http://yuyarisun.rcp.net.pe>

socio-cultural structures, it is also a reflection of those structures. Thus, the study of the causes and consequences of rape during war should go beyond considerations of political conflict, and look into the pre-conflict and post-conflict social norms that organize gender relations, including the construction of male and female sexuality. So far, these norms have been disadvantageous for women. According to the Latin American Committee for the Defence of Women's Rights, CLADEM, several countries in Latin America still maintain laws that exempt rapists from prosecution if they marry their victims.<sup>28</sup> This is, of course, highly disturbing. But even if national legislation is changed –a mere condition for social transformation in the area of women's rights-, this does not guarantee the observance of those laws. The Peruvian laws against domestic violence, issued in the early 1990s, are a good example: although these laws reflect an increasing political will to enforce at women's rights, this is rarely reflected in actual judicial practice (Boesten 2006). In the end, legal practices related to gendered violence and rape are highly dependent on general perceptions of women's rights. The social frameworks which shape such perceptions and make a certain interpretation of rape, sexual abuse and domestic violence possible, tolerable, or even legitimate need to be scrutinised, questioned, turned upside down, and finally, changed.

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<sup>28</sup> <http://www.cladem.org/espanol/novedades/llamado%20beijing.asp> [accessed Sept 2005]

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