

Replacing Silence with Speech

Wartime Sexual Violence in Sri Lanka

SHUBHRA NAGALIA

We live in a time when sexual violence has come to occupy front page news and is being discussed in all domains of life, from academia, media, and politics to the film industry. Yet, some forms of sexual violence remain unspeakable. The edited volume, *The Search for Justice: The Sri Lanka Papers* is a work that compels us to rethink the idea of sexual violence, speakable and unspeakable, and make visible those dark corners that only get the spotlight when grotesque and mass violence takes place in what has habitually come to be called conflict areas. This book is one in a series of eight on sexual violence and impunity in South Asia published by Zubaan, Delhi. It takes stock of post-war Sri Lanka and the state's failure to redress and heal the wounds of survivors of wartime brutal violence.

The shared yet differing emphasis of each volume produced through the combined initiative suggests taking into account different types of violence that have come to be gathered under the broad umbrella of sexual violence. The volume suggests that sexual violence has to be understood not only as a continuum of

The Search for Justice: The Sri Lanka Papers
edited by Kishali Pinto-Jayawardena and Kumari Jayawardena, Delhi: Zubaan, 2016; pp 434, ₹850.

violence in its banality and routine violations that women and non-normative gendered persons undergo on a daily basis; we need to declutter and revisit the concept to be able to take into account the specificity of the violence enabled by cultures of impunity and militarisation. The silence and invisibility due to the normalisation of many instances of daily rapes and sexual violence makes the task of seeking justice not just that of reforming, but also that of transforming the social and cultural fabric of our societies.

Impunity and Sexual Violence

The book evaluates the successes and limitations of the fight of women's movements for setting up and implementing redressal mechanisms which may effectively give justice to the survivors of sexual violence in the specific context of post-war Sri Lanka. The seven chapters of the book discuss major themes pertinent to survivors seeking justice, which is also an overview of the fraught journey of women's movements towards this

endeavour. Although the book takes into account the specificity of the Sri Lankan context of wartime and banal instances of sexual violence, it sets up this discussion on a broader tapestry of intertwined histories of countries that come under the rubric of South Asia.

The book begins with an introduction from the series editors to South Asia's shared culture of impunity and sexual violence. The introduction marks the trend of rising instances of sexual violence and the prevalence of silence with regard to it. They find a shared culture of impunity to perpetrators provided by an active collusion of states across the region. The editors ask if these conditions are specific to the South Asian region. Internationally, there is a rising awareness of the need to recognise rape, especially during conflict situations, as a crime against humanity. Then what makes South Asia more resistant towards discussing and accepting rape and sexual violation as a central part of our understanding and definitions of crimes against humanity?

The ongoing discussions of feminists and human rights activists get a fresh impetus and energy in the aftermath of many movements, and get a significant recognition of sexual violence by the judiciary and the state across South Asia. The Occupy Baluwatar movement in December 2012 in Nepal that had issues of sexual violence and impunity at its centre, nationwide protests and rape law reforms following the brutal gang rape of a woman in a bus in Delhi in December

2012, an unprecedented judgment by the Jaffna High Court sentencing four soldiers to “25 years of rigorous punishment, compensation and reimbursement of legal fee for the 2010 gang rape of a woman at a resettlement camp” (p xi), and a popular students’ movement called the Shahbag movement demanding justice for war crimes in Bangladesh that culminated in a gazette notification recognition in 2015 of 41 war heroines for their contribution in the country’s liberation are some of the significant moments that travelled across South Asia sharing their energies and deepening the discussion on sexual violence. Assigning culpability and demanding accountability have been fraught and crucial issues underpinning the demand for justice for women’s movements across South Asia. They have also been the basis for setting up the discussion of sexual violence in the intertwined histories of nations and cultures across South Asia.

The main title of the volume, that is, *The Search for Justice* draws attention towards one of the main struggles of the women’s movement and indeed of

feminist theorisation. Making visible the trauma of sexual violence, difficult as it is, remains inadequate without addressing the (im)possibilities of getting justice. Recognition of suffering and grief in situations where speech itself is censored is surely important and has gone some way towards healing the wounds. However, often the very measures seeking justice that activists have fought for, have replicated the trauma as survivors are compelled to open those wounds again and again in public. It is a process that remains an exception rather than a norm; involves a long duration and often ends shatteringly for the survivors without resulting in justice. The elusivity of sexual in the violence encountered has kept justice an intransigent possibility. It is the hope to pin down this elusiveness of sexual violence that runs as a thread through the book.

Kishali Pinto-Jayawardena and Jeanine Guthrie introduce the specific post-war Sri Lankan context of the volume. They stress the point that it is crucial to keep in mind the pervasive culture of patriarchal violence sanctioned by the

communities themselves that lend to and consolidate a culture of impunity. Failure of the formal justice system and sanctioned sexual violence by communities promote a culture of silence “with regard to sex in Sri Lanka—violent or otherwise” (p xxiii).

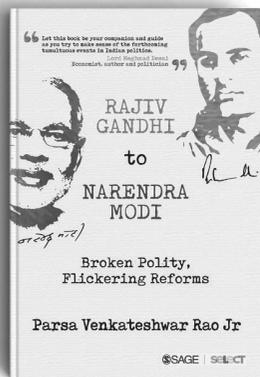
Prolonged armed conflict has been traumatic not only on account of the violence it enabled, but it also led to wide scale displacement, separation of families and large scale loss of livelihood. This makes the struggle of Sri Lankan women multifaceted and complex in a sexually risky and vulnerable environment with attendant implications such as rise in domestic violence across the nation. In such a situation, how do we imagine truth and justice processes that can adequately ensure an informed participation of the survivors and their families, will prioritise the restoration of their dignity and empowerment, handle fractured memories, contradictions and silences (p xxx).

The first chapter is an overview of the global discourses of justice for survivors of multifaceted violence in armed conflict situations and evaluates the specific

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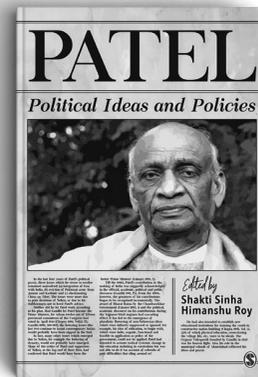
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condition of the justice system and its possibilities in Sri Lanka. A significant concern in the search for justice is the issue of breaking the silence and as Germaine Greer (2018) put it, “The victim who takes over her narrative becomes a survivor.” How would that silence be broken is crucial, especially in a situation of intersecting vulnerabilities and prolonged militarisation of daily life. Chulani Kodikara and Sarala Emmanuel question the “privileging of disclosure over silence” which is not only a complicated decision for survivors or witnesses to the violence but it also means that the trauma is relived in public with a further erosion of dignity. Therefore, they underline the importance of rethinking accountability which must take account of “diversity of meanings” (p 25) for the concerned survivors. They suggest the strengthening of feminist practices of “circles of sharing in which the silence around sexual crimes may be broken” rather than only holding on to the assumption that breaking the silence means a public disclosure with legal justice as the redressal mechanism.

Doubting the Witness

Tainted Witness brings a feminist perspective to bear on how women’s witness is discredited by a host of means meant to taint it: to contaminate by doubt, stigmatise through association with gender and race, and dishonour through shame, such that not only the testimony but the person herself is smeared (Gilmore 2017: 2).

Chapters 2 and 3 systematically review the possibilities of justice from formal legal mechanisms. They draw attention to the foundational violence of legal discourses and processes that consolidate the culture of state impunity and create a crisis of legal indeterminacy. Pinto-Jayawardena and Kirsty Anantharajan remind us that while sexual violence by state actors was largely manifested “as brutalized treatment of the ethnic other,” it was important to remember that sexual crimes are embedded in a larger narrative: one that pre-dated the war and continues in the post-war scenario” (p 37). They also point to the practice of Tamil men being raped as part of torture in custody by state actors and that this issue still remains a taboo subject. They

celebrate the bravery of women for their act of speaking out which “transformed their story into a different rendering of the hopelessness which normally prevails” (p 49). They discuss at length the gaps and anomalies in the legal system which clearly demonstrate the disconnect with women’s lived experiences of rape and require the survivors to perform the stereotype of the credible rape victim which simultaneously paints the incredible rape victim as a predator. The constant denial and ridicule of women’s suffering and sexual crimes by the state in international fora, the courts not serving their truth-telling function, and a breakdown of rule-of-law creates the climate of legal indeterminism (p 115). They underline the need to consider the theory of intersectionality to acknowledge and understand Sri Lankan women’s struggles and the psychosis of fear stalking them.

The inadequacy of the legal system is compellingly illustrated by the late young feminist activist and scholar Priya Thangarajah (Chapter 3). The survivor’s narrative within legal requirement is often met with doubt eroding the hope for justice and undermining the fragile dignity of her existence. Pointing to the deeply flawed evidentiary process, Thangarajah asks, how was it possible within this system “to take into account the inability to speak of the violence? And second, where in this process was there space for trauma and the resulting difficulty in forming a linear narrative” (p 174)? She challenges the notion of evidence itself which draws upon authority and techniques of science. She asserts, “This legal truth, combined with scientific truth, negates all other forms of truth telling” (p 180). The compulsion to produce a credible witness, if she is a woman, is especially difficult as, “women encounter doubt as a condition of bearing witness” (Gilmore 2017: 20). Thangarajah asks us as feminists to argue for applying the same standards to sexual offences during exceptional times and in its banality which may provide a space within the legal system giving a respite to women from evidentiary processes. The stringency of legal requirements and a tolerant silence around sexual violence has a long distressing history of what

Greer (2018) calls non-consensual sex which is banal, deeply ordinary and happens on an unimaginable scale.

Rohini Mohan (Chapter 5) also underlines the fear of rape as a result of prolonged militarisation and consequent discourses of human security that render women as objects of protection or rescue. The various sightings of indeterminate tall apparitions which attacked women was described by many women as ghost, *grease yaka* (demon figures in Sinhalese and Buddhist folklore) or devil was an embodiment of “the creeping, intangible nature of fear, helplessness and impunity” (p 243). It foregrounded the continuing trauma of post-war survivors due to the close proximity of military complexes to Tamil and Muslim villages. As Greer (2018) argues, “The most catastrophic shock must surely come when, as far too often happens, the jury does not convict.” The Sri Lankan security forces were the new face of the military state and had been deployed in large numbers by the Rajapaksa government to rebuild the war-torn economy. Living daily in this environment cannot be understood in terms of trauma as described by PTSD (Post Traumatic Stress Disorder) literature. Mohan discusses how the post-war violence has intensified due to state oppression as well as community insecurity and women have had to modify their behaviour to avert the possibility of rape. The associated social stigma faced by former female combatants by being labelled a prostitute and the systemic silence around sexual violence perpetuates it further.

Intersectionality as Politics

When an intersectional analysis takes women’s lived, embodied experience as paradigmatic, focused less on identity than on structural inequalities of gender, caste, religion and sexuality, it does so as politics and methodology (Gilmore 2017: 13). Although all the chapters advocate intersectionality as a methodology, the focus on Muslim women and former women combatants in Liberation Tigers of Tamil Eelam (LTTE) foregrounds its political charge.

Farzana Hanifa (Chapter 4) adds the much needed focus on sexual violence faced by Muslim women in Sri Lanka, an

area that otherwise suffers from paucity of literature. Sexual violence and regulation is inflicted both by the militant Tamil assertion and a renewed aggression of a vulnerable Muslim masculinity within the household and public spaces policed by the community men themselves. The public articulation of Muslim masculinity is shaped by the prolonged militarisation and a history of precarious and subservient relationship of Muslim leadership to their Sinhala counterparts. It entails that “imposing a quiescent form of masculinity on the Muslim leadership has been a constant throughout Muslims’ post-colonial political history” (p 203). Such a quiescent and vulnerable masculinity has resulted in hyper-authoritative maleness at home and grants impunity to young men to regulate and keep their women under a constant male scrutiny.

Sivamohan Sumathy (Chapters 6 and 7) takes the discussion to the messy walk to freedom which entails a quest for survival on which is premised the quest for justice. This also demands reflexivity from researchers who must bear in

mind the “epistemological premises of our endeavour of researching violence against women, sexual violence in a time of conflict” (p 297). Marking the failures and inadequacies of legal justice, Sumathy moves the discussion to alternative ways of understanding justice and truth-telling which have a transformative meaning of the social and the material. She brings together the linkages between mother, earth and country in a war that “at its most basic level was about land” (p 303) and displacement which is an endless cycle of exchanging one set of terror for another. What does it mean to talk about agency of individuals when an entire collectivity has lost its sense of self and agency? Sumathy problematises the territorial nationalism of Tamils which framed Muslims as the other and drove them out of their homes. She also explores the patriarchal moralities of the militant organisation of the LTTE which entailed strictures and sexual containment much to the approval of the larger Tamil community. She sees the LTTE as a state formation which is also morally conservative

in accordance with the conservative norms of the Tamil society. Therefore, the reluctance to seriously engage with an examination of the LTTE is underscored by a reluctance of Tamil polity examining itself within the prism of its own existence. Tamil nationalism imbricates gender in an identification of woman and land, territory and nation with its attendant discourses of chastity, betrayal and traitors.

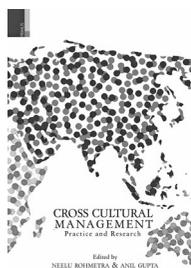
If surviving is the condition of justice, living a woman’s life makes the search for justice more elusive, challenging and at the very least demands a complete transformation. The wisp of a wish resonates amidst dark hopelessness as the book ends with “Jesus Is Not There.”

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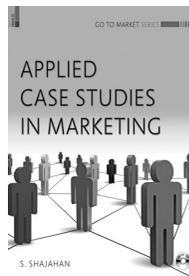


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