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A Response to Catharine MacKinnon's Article "Turning Rape Into Pornography: Postmodern Genocide"*

*Vesna Kesic***

INTRODUCTION

Catharine MacKinnon, as is widely known, has instituted a civil lawsuit against Radovan Karadžić, the leader of the Bosnian Serbs, for genocidal acts of rape, forced pregnancy, enforced prostitution, other forms of torture, and extrajudicial killings. I fully support this action, as do the women's groups with which I work and, presumably, all feminist organizations in Croatia and the rest of the world, including those in Belgrade. We all are working to have war rape recognized and prosecuted as a war crime and to expose the inadequate recognition and treatment of these violations of women's human rights under current international and national laws.

"Turning Rape Into Pornography: Postmodern Genocide" presents MacKinnon's development of her theories that address the conceptual and factual background of mass rape in this war. Her development of these theories, however, not only ignores and supplants the work already undertaken by feminists around the world but also disregards essential facts. MacKinnon's theories will not help to solve the problems in the former Yugoslavia; they will not help to end the war or to stop the rapes and other atrocities inflicted against women; nor will they help to re-establish any type of civil cohabitation between south Slavic people in the future. I also doubt that her methods will bring justice and satisfaction, or relief, to the

* The center of this critique is Catharine A. MacKinnon's article *Turning Rape Into Pornography: Postmodern Genocide*, Ms., July/Aug. 1993, at 24.

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women raped and tortured in this horrible war. To the contrary her work has become a part of the war propaganda which stirs ethnic hatred and promotes revenge, both of which often find expression in violence perpetrated by men against women.

In the first part of this response, I will address some of the factual inaccuracies concerning MacKinnon's reports of the use of depictions of mass, systematic rape as pornography by Serbian soldiers. The second part will question MacKinnon's factual assertions regarding the prevalence and impact of pornography in pre-war Yugoslavia. Next, I will critique the effects of MacKinnon's theory as they relate to feminist anti-war efforts in Croatia. The adaptation of her theory of pornography to the Balkan war has involved the manipulation of the numbers of women who have been raped and the one-sided attribution of blame to support her cause. Yet MacKinnon fails to acknowledge that her "factual" information is contradicted by other credible reporting from the region. Finally, I conclude that MacKinnon's theory is inappropriate because it does not fit the cultural context of this region, and I urge that women work to overcome politically re-enforced "ethnic" antagonisms and fight to achieve justice, not revenge.

I. MACKINNON'S QUESTIONABLE USE OF FACTS

War mythology and the reality of hate, fear, and destruction overcomes all borders. Precisely because of this there is an intellectual and moral obligation to question the way in which facts and information are being used, interpreted, explained, and presented. The reports which MacKinnon receives from her informers should be scrutinized as rigorously as any other source of information. By criticizing MacKinnon's claims, I do not intend to question the validity of the testimonies of the women survivors of Serbian violence. Too many unbelievably cruel things, including sexual violence, have happened in this war, and on such a grand scale that now everything must be viewed as possible or believable. Nevertheless, every good theory or appropriate analysis must be supported by credible facts and interpretations logically derived from them. Unfortunately, MacKinnon's argument is severely undermined by her conceptual mistakes and reliance on suspect sources in her analysis.

The central thesis of MacKinnon's *Ms.* article is: "[w]ith this (Balkan) war, pornography emerges as a tool of genocide."¹ For example, as proof of the role of war-made pornography — "genocidal pornography" — she offers descriptions of sadistic deeds which she claims were videotaped and widely shown to soldiers and on television news programs in territory con-

1. Catharine A. MacKinnon, *Turning Rape Into Pornography: Postmodern Genocide*, *Ms.*, July/Aug. 1993, at 24, 27.

trolled by Serbian forces. MacKinnon alleges that these videotapes which actually depict rapes of Muslim and Croatian women by Serbian soldiers, were altered to make it appear as though the women were Serbian and the rapists were Muslim or Croatian. I wonder how many of these war pornography videotapes and television shows MacKinnon herself has seen. I am unaware of any such reports being made in Zagreb or Belgrade until *after* MacKinnon's article appeared. I do not claim that such actions did not happen — all sorts of horrors have been videotaped and televised — but to assert that pornography played the primary role and is responsible for the rape of women in this war, some quantity of proof and evidence is needed. To me, it all looks like television vaudeville with a quid pro quo plot which has been constructed by MacKinnon and her informers for the sake of supporting her anti-pornographic theories.

As evidence of the Serbian identity of the rapists, MacKinnon cites the “unmistakable Serbian intonation and word choice of the soldiers, one of whom was yelling ‘harder’.”² Yet it is absolutely impossible to distinguish whether somebody is yelling “harder” in Serbian or Croatian: the word “jače” has the same intonation in both languages. Thus MacKinnon displays a lack of understanding of South Slavic linguistics which raises further doubts about the credibility of reports she receives and the conclusions she draws from them.

“Raped women” became a big media hit in Croatia and around the world during the fall of 1992 — a “sexual spectacle,” to use MacKinnon's terms. With the war in Croatia having ended in spring 1992, Croatian television owned by the state and controlled by the ruling party began to saturate the public with examples of Serbian violence, depicted in graphic detail. The media manipulates these images to denounce and demonize the other side, thus heating up ethnic hatred and provoking the desire for revenge among viewers. Given the media's thirst for graphic videotaped footage, if the inter-ethnic rapes were shown on the Serbian television show “Banja Luka”, as MacKinnon asserts, why were they never shown or reported to the Croatian public? Since Croatian television stations keep close tabs on Serbian television programs (from Bosnian Serb-controlled television, “Banja Luka” can be received from Croatia), it seems certain that such footage would have been available in Croatia.

A few weeks after the MacKinnon article appeared in *Ms.*, the news reached Zagreb. In the highly circulated, government-owned and -controlled evening tabloid, *Večernji list*, a story entitled “Serbian Rapes on Porno Market” was published on July 20, 1993. This article reported that Catharine MacKinnon, law professor at Michigan University, had copies of “Banja Luka” videotaped footage depicting the killing of a woman eight

2. *Id.* at 28.

months pregnant whose belly was ripped open by a bayonet. Does MacKinnon in fact have such tapes? To my knowledge these tapes have not been disclosed to the Croatian public and patriots, who now expect them from her.

MacKinnon quotes an eyewitness named Haris as a reliable source for several detailed descriptions of women being tortured.³ When one considers the topography of this region in conjunction with the timing and dynamics of the war, it is hard to fathom how Haris could have been a witness to events which are alleged to have occurred in places so distant from each other. For example, MacKinnon claims that a Bosnian Muslim soldier, who she named "Haris" to protect his identity,⁴ while "hiding in a tree observed a small concentration camp in Serbian-controlled Croatia in April 1992"⁵ where a pregnant woman was killed and her fetus was ripped out of her belly.⁶ Haris is certain it was filmed.⁷ However, the war in Bosnia had only just started at this time. Since neither the Bosnian people nor the Bosnian army was prepared for war, it is not likely that they were ready at that time to send a "Muslim soldier" as a porno watch-dog across borders to distant areas of "Serbian-controlled Croatia." In fact, the Bosnian army was not constituted until many months later, during the war. Therefore it is highly unlikely that "Bosnian Muslim soldiers" even existed at that time.

MacKinnon's description of the torture and killing of the pregnant woman reminded me of many similar, horrible ("pornographic") stories and rumors that spread right at the beginning of the war, in summer 1991, in Croatia. Around that time the first reports of chetniks (Serbian militants) killing a pregnant woman and replacing the fetus with a cat reached the Croatian media from Pakrac, a town on the front-line in Northern Croatia. Such propaganda had repercussions in real life, as the following story illustrates.

Lj.S., a Serb and Croatian citizen from a quite distant part of Krajina, a Serbian rebel-inhabited part of Croatia where some of the rapes reported by MacKinnon are supposed to have occurred, was arrested in November 1991 and put on military trial in Zagreb. He was accused of a terrorist attack on a Croatian police unit in Krajina. The police report from the witness, a Croatian volunteer, who reported Lj.S. contained the statement that he "has seen the killed pregnant woman whose fetus was replaced with

3. *Id.* at 25-26.

4. *Id.* at 25.

5. *Id.* at 30.

6. *Id.*

7. *Id.*

three pussies.”⁸ While Lj.S. was still on trial, an article appeared in *Danas* which stated that Lj.S. was a witness to similar deeds performed by his fellow chetniks.⁹ Lj.S. proclaimed his innocence; but on March 3, 1992, before his trial had even concluded and against his will, he was exchanged for Croatian prisoners of war. On April 28, 1992, the Military Court in Zagreb found him guilty of terrorism and sentenced him, “in absence” to ten years in prison. He now lives in Krajina, but if he returns to Zagreb he will be imprisoned. While he was being indicted and held, his family was threatened, his brother who lives in Zagreb was arrested, and his nephew was put in an orphanage.¹⁰

Thus it is easy to see that the publicity surrounding this and similar cases stirred up anti-Serb sentiments among the population and reinforced the government’s war effort. Publication of such speculative stories by the media fueled the hatred and animosity between Croats and Serbs. The growing ethnic tensions which have resulted from such accounts have contributed to the flight of hundreds of thousands of Serbians from their homes in Croatia. Isn’t this also a form of ethnic cleansing?

II. THEORETICAL INFIRMITIES OF MACKINNON: THE ROLE OF PORNOGRAPHY IN YUGOSLAVIA

Pornography, no doubt, plays an important motivating factor in every war. It is an indivisible part of the dominant male military culture, unbalanced power structure and patriarchal misogyny of war. But pornography alone cannot explain, as MacKinnon maintains, the origins, deep roots, and complexity of the brutality in this or any other war.

To support her theories MacKinnon simplifies the historic, social, cultural, and political characteristics of this region. She states that “[p]ornography saturated Yugoslavia before the war.”¹¹ Women and men from this region laugh when they read or hear this statement. Communist Yugoslavia, as other real-socialist countries, was an ascetic society where pornography was not openly permitted. Due to the strong authoritarian, hierarchal, political, and patriarchal social values and mentalities of the Communist regime, both sexuality and pornography (I do not equate the two) were repressed, pushed out from public life into the realm of privacy where the omnipresent state could not reach. Consequently, if any “theory” which associates war, rape, and pornography can be created, it is that repressed sexuality and hidden pornography contribute to sexual violence and war crimes. For example, the major “porno magazine” — as

8. Zoran Daskalovic, *Trial Because of the Trial*, *DANAS*, May 12, 1992, at 14, 14-15.

9. *Id.*

10. *Id.*

11. MacKinnon, *supra* note 1, at 28.

MacKinnon presents *Start* in her constructions¹² — was officially forbidden in the JNA (Yugoslav National Army) although, as a result of public accusations, the JNA is generally understood to be the perpetrator of a great number of war crimes, including rape. However, I doubt that there is adequate proof that the JNA has committed major war crimes or rapes. Such atrocities were mostly committed by the Serbian parliamentary and the Bosnian Serb army, both of which the JNA supported.¹³

And yet Yugoslavia was more liberal (albeit never 'free') than other Communist countries and pornography became more accessible beginning in the 1980's. Pornography's "coming out" coincides with the trend toward social liberalization and the decline of the socialist regime, but it never developed into public, hard core pornography, peep shows, licensed brothels, or any type of free market pornography or sex industry. The most appropriate description of the moral codes of socialism would be "hidden vices, public virtues." Such a moral creed provokes a deep fear of sex and an intolerance of all sorts of differences, including alternative sexual practices. One exception to this attitude was the magazine *Start*, which MacKinnon carefully evokes.

As a writer since 1976 and an editor during the democratic transition in Croatia (from May 1990 until the beginning of 1991) of the magazine *Start*, I dispute MacKinnon's description of the magazine. It was not a news magazine, as MacKinnon states, but an illustrated magazine much like *Esquire*, *Stern*, or *Playboy*. It did not have a "Newsweek-like format," rather its format resembled that of *Ms.* magazine. Its politics did not mirror those of *The Nation*. It is well known that when *Start* was established in the early 1970s it was the first, and for a long time, the only liberal magazine in the former Yugoslavia. It was very Western-oriented and mostly anti-Communist, particularly anti-Soviet. Because its politics elicited protest from Soviet Communist diplomats, the magazine was often attacked by the political establishment. Yet, *Start*, because it represented a marginalized political minority, had more freedom than other magazines which were strictly controlled by the Communist Party. *Start* portrayed Yugoslavia as an "open, Western-like" society. It was tolerated by the regime and was influential in promoting cultural values, standards, and lifestyles which differed from those of the dominant party-state ideology. The "pin-up girls" on the covers and in the centerfold sections were widely understood to represent a form of "sexual liberation" and to present women as a "sexualized gender."¹⁴ This occurred in a society where the holy

12. *Id.*

13. HUMAN RIGHTS WATCH, HUMAN RIGHTS WATCH WORLD REPORT 262-63 (1993).

14. Though I agree that such understanding reflects a distorted notion of women's freedom and liberalism, I must say that lesbian women, lacking other appropriate media, also bought and read *Start*.

virgin, the devoted, self-sacrificing mother and wife, and the heroic partisan woman (who does the washing for her comrades) were the dominant stereotypes and role models for women. To understand that *Start*'s objectives were radical, initial steps toward changing Yugoslavian society's confining, narrow view of women, cultural differences must be recognized. With such an understanding, it is then possible to see that American theories on sex and pornography may not be appropriately applied in the Yugoslavian context.

Start was also the first, and for a long time the only, paper in former Yugoslavia that opened its pages to feminist writers and themes. From the end of the 1970's, the first generation of Yugoslav feminists managed to publish a wide range of women writers and feminist articles including interviews with Germane Greer, Gloria Steinem, Shere Hite; reports from Greenham Common; and writings on lesbian, peace, and ecology issues. These feminists also fought against pornography from the inside and through the public polemics that appeared in the magazine's pages.

MacKinnon's remark about "[s]elect women [writers and editors at *Start*] who were privileged under the Communist regime"¹⁵ and who claimed to speak for women is incorrect and unfair, and again reveals a deficiency in her understanding of the local situation. None of the women I know who wrote for *Start* (including myself, Slavenka Drakulić, Jasmina Kuzmanovic, Alemka Lisinki, Zarana Papic, Vesna Pusić, Ines Sabalic, and Dubravka Ugrešić) were members of the Communist party, although 95% of journalists in the country were party members. The feminists at *Start* were, in fact, accused of "importing decadent bourgeois ideology" and publicly attacked, just as today we are called "witches" and national traitors, for not being "patriotic enough" and nationalistic enough in our understanding of the deep roots of war and war rapes.

The naked women disappeared from *Start*'s pages following the Croatian Democratic Union, President Tudjman's populist, conservative, nationalistic party, victory in the 1990 election. Within a few issues after the election, the usual big white breasts on the cover page¹⁶ were replaced by the big white face of the Croatian Cardinal.¹⁷ The democratic changes in our society were, in fact, laced with patriarchal nationalism and religious conservatism. Under Tudjman's regime today, the situation for women is rapidly deteriorating. Legislators are threatening to criminalize abortion, and the church and state have sponsored campaigns of "demographic and spiritual renewal" which envisage motherhood (written as MOTHERHOOD) as the "holiest profession for a woman." The resurrection of

15. MacKinnon, *supra* note 1, at 28.

16. *START*, Aug. 4, 1990.

17. *START*, Dec. 22, 1991.

public and private spheres, with women occupying the latter, has already begun to take effect. Women have, in fact, almost disappeared from public life completely. They comprise only 5.6% of the Parliament members, compared to the earlier 16% to 30%.

Paradoxically, with the development of a quasi-free market in Croatia, pornography today is legal; the first brothel was legalized, and soft porn began appearing on state television during the war in Croatia, between 1991 and 1992. The pornography industry is growing slowly. Yet, as far as I am aware, none of the women's groups and individuals who work with MacKinnon in Croatia have made efforts to combat the use of pornography. This fact alone raises doubts about the validity of MacKinnon's theory regarding the connection between war and pornography.

Start was primarily an urban phenomenon, consumed by an educated, intellectual elite. It did not have a significant market in the rural areas of eastern and northern Bosnia, where mass systematic rapes were committed, nor in the Serb occupied part of Croatia. It was issued and principally sold in Zagreb, with distribution in other larger cities of former Yugoslavia. If pornography is the root cause of sexual war crimes in this war, as MacKinnon asserts, how does one explain that Croatian soldiers rarely commit sexual crimes (as MacKinnon claims) and that Serbian soldiers from rural areas with little or no access to *Start* do perpetrate such violence?

Furthermore, MacKinnon's suggestion that the Serbian soldier, Borislav Herak,¹⁸ sentenced for war crimes in Sarajevo in spring 1993, learned to rape through pornography is particularly dubious.¹⁹ With *Start* available until the middle of 1991,²⁰ why didn't he rape or at least have some sexual experiences before the war? Given that he admitted that rape was his first sexual experience, wouldn't a more appropriate explanation be that Herak learned both to kill and to rape in this war?

III. HARMFUL EFFECTS OF MACKINNON'S THEORIES

A. MACKINNON'S APPROACH DEMONIZES SERBS AND FEMINISTS

A feminist approach to analyzing and explaining this war is certainly needed. Croatian feminist writers (including myself, Slavenka Drakulic, Rada Ivekovic, Jasmina Kuzmanovic, Alemka Lisinki, and Dubravka Ugresic) were the first to warn against the mass media's role in exacerbat-

18. Herak has since been judged to be mentally ill.

19. MacKinnon, *supra* note 1, at 28.

20. The magazine discontinued in July 1991, when the war in Croatia began. The reduction of the Yugoslav market and the anti-liberal politics of the Croatian government were largely responsible for its disappearance.

ing ethnic hatred among all the warring factions and pornography's role in sexualizing hatred. Because of our public position on this issue and our refusal to raise a nationalist banner we have been pronounced "Yugonostalgics," "traitors," and "witches."²¹ Something similar has happened to women writers and feminists in Belgrade, particularly the group "Women in Black." Even before the war began, the media in both Serbia and Croatia fueled individual fear and hatred by presenting events in a fixed "we know who is doing what to whom" format — i.e., with each side explaining the conflict as a result of oppression, threat, and aggression by the other side. Organizations and individuals who question the "ultimate truth" or criticize these public declarations regarding who is the aggressor and who is the victim are treated as a national threat.

Such accusations have resulted, during this war, in individuals being forced out of their jobs, publicly "lynched" in the media, physically attacked, and having their families threatened and their property destroyed.²² Feminists face sexualized verbal attacks, including charges that a woman's feminist stance is due to her ugliness and her inability to have a relationship with a man.²³

It is surprising that MacKinnon, from the beginning of her involvement in this issue, has chosen to take an active part in this one-sided, nationalistic creation of an enemy. In an interview with the Berlin daily paper, MacKinnon mentions Croatian women's groups and states: "The people act as the collaborators [with Serb forces] by trying to hide what it is all about."²⁴ The assertion that Croatian feminists are collaborators, by our refusal to count war victims and perpetrators exclusively along national lines, with Serbians who are committing such war crimes is absurd.

MacKinnon's approach does further damage to the feminist cause. In a presentation at the nongovernmental forum taking place at the same time and place as the United Nations Human Rights Conference, held in June

21. Meredith Tax, *Croatia's 'Witches': Five Women Who Won't Be Sentenced*, THE NATION, May 10, 1993, at 624. See also *Croatian Feminists are Raping Croatia*, NAT'L WKLY. GLOBUS, Dec. 11, 1992, at 41 (Five Croatian women (myself, Slavenka Drakulic, Rada Ivekovic, Jelena Lovric, and Dubravka Ugresic) were first attacked in this issue of the *National Weekly Globus* and then "witch hunted" throughout the national media for almost a year and a half).

22. See *Situation on Human Rights in the Territory of the Former Yugoslavia: Second periodic report on the situation of the human rights in the territory of the former Yugoslavia submitted by Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993*, U.N. Commission on Human Rights, 45th Sess., at ¶13-25, U.N. Doc. E/CNB.4/1994/4 (1993) (Approximately 5000 Serbian homes were destroyed, people disappeared after media campaigns, people were evicted from their jobs, people were tortured in Split war harbor Lora, and people were harassed during evictions from their flats).

23. See NAT'L WKLY. GLOBUS, *supra* note 21.

24. Andrea Bohm, *To Create a Precedent*, DIE TAGESZEITUNG, Feb. 5, 1993, at 23.

1993 in Vienna, MacKinnon went public with her theory that pornography was one of the main conceptual and factual causes for sexual brutality in the Balkan war. MacKinnon's subjective, biased approach neglects all the complex historic and political causes and processes of this war, culminating in the oversimplification that the source of sexual violence in this war is found in pornography. This is dangerous and banal reductionism which can damage, if not discredit and wholly disqualify, feminist analyses of armed conflict.

B. COUNTING VICTIMS (OR: ONLY CERTAIN VICTIMS COUNT)

MacKinnon has also fallen into the trap of counting "victims" of rape to support her thesis that the Croats and Muslims are the only authentic casualties of the war. Her inability to corroborate her figures, together with the shifting alliances between the warring parties, serve to undermine the "factual" predicate which justifies MacKinnon's choices for aggrieved party and aggressor. At a New York Bar Association meeting in April 1993, MacKinnon began by stating the "fact" that 30,000 Croatian and Muslim women had been *impregnated* by Serbian soldiers.²⁵ When asked to name her source, MacKinnon responded that numbers are not really important for proving sexual atrocities against women in this war. We are in strong agreement on this point. However, her thesis implies that Serbians are the only men using rape as a method of ethnic cleansing in a genocidal war against Bosnia and Croatia.

It is time that there are testimonials and other evidence indicating that Serbian military and paramilitary units in Bosnia have raped women in a mass and systematic way.²⁶ Eyewitnesses and survivors have also reported the existence of brothel camps there. However, I have never seen this 30,000 figure in any reports from the media, European or American fact-finding missions, or independent and reputable human rights organizations (e.g., Amnesty International, Helsinki Watch) reports. Nor is this number supported by the UN Special Rapporteur for the Former Yugoslavia or by my experience working at the Center for Women War Victims ("CWWV") in Zagreb. Counting victims is, as with everything else in this war, a part of the war game.

Bosnian and Croatian women working at the CWWV agree with MacKinnon that one case of rape is one too many. The perpetrators, as

25. AMNESTY INTERNATIONAL REPORT 70-73 (Amnesty International Publications, 1993); Laurel Fletcher, *No Justice, No Peace: Accountability for Rape and Gender-Based Violence in the Former Yugoslavia*, 5 HASTINGS WOMEN'S L.J. 89, 108 (1994).

26. IVANA NIZICH, HELSINKI WATCH REPORT: WAR CRIMES IN BOSNIA-HERZEGOVINA 21-22 (Aryeh Neier & Jeri Laber eds., 1993); Alexandra Stiglmayer, *The Rapes in Bosnia-Herzegovina in MASS RAPE: THE WAR AGAINST WOMEN IN BOSNIA-HERZEGOVINA*, 82, 82-137 (Alexandra Stiglmayer ed., 1994).

well as the persons responsible for political and military command, must be brought to justice. We at the CWWV agree that rape is a crime against gender and can be used as a genocidal war weapon, but what purpose is served by exaggerating the number of victims? MacKinnon's lawsuit is well situated on its merits without resorting to the monstrous arithmetic of victim counting to gain publicity and support.²⁷

C. MUSLIM AND CROATIAN ARMED CONFLICT DISCREDITS MACKINNON'S THESIS

The quick development of events and the war's complexity have invalidated some of MacKinnon's theories and discredited the version of the "truth" that she promotes. In pronouncing that Serbian aggression against non-Serbs is as incontestable as male aggression is against women in everyday life, MacKinnon claims "there is no Muslim or Croatian policy of territorial expansion, of exterminating Serbs, or raping Serbian women."²⁸ MacKinnon also compares the "reluctance to say who is doing what to whom" with "the mentality that blames women for getting ourselves raped."²⁹ Yet events have disproved her claim even prior to publication of her article.

The war policy of Croatia in Bosnia-Herzegovina and some Muslim war activities have to date included all the activities that MacKinnon denied: a policy of territorial expansion, of extermination, and of violating women. During the Muslim-Croat war, Croatian officials and the media reported ethnic cleansing and death/rape camps by the Muslim army. However, they never properly reported the massacre in the Muslim village Ahmići in which the United Nations Special Rapporteur reported that at least one gang rape had occurred.³⁰ Many other similar war crimes in

27. More particularly, MacKinnon has manipulated figures reflecting the number of rapes of Croatian women. See generally Amy Hamilton, *Catharine A. MacKinnon to Represent Croatian, Muslim Wartime Rape Survivors*, OFF OUR BACKS, Feb. 1993, at 3 (MacKinnon quoted a figure of 20,000 raped women the number given as an approximation in January by the European Community report. To that number, which was obtained by extrapolation, she added 10,000 raped Croatian women, referencing some public figures from Zagreb). To the best of my knowledge, no such figures exist. Until the open Croatian-Muslim military conflict began (April 1993), nobody divided women war victims in Bosnia by ethnicity. Furthermore, mass, systematic rapes during the war against Croatia (July 1991 - early spring 1992) were never reported and appear not to have happened, making MacKinnon's victim count in Croatia exaggerated. MacKinnon ignores this and reports on rape/death camps in "Serbian occupied Croatia." To my knowledge, individual and gang rapes in Croatia were reported, on both sides, but not mass and systematic rape.

28. MacKinnon, *supra* note 1, at 26.

29. *Id.*

30. *Situation on Human Rights in the Territory of the Former Yugoslavia: Second periodic report on the situation of the human rights in the territory of the former Yugoslavia submitted by Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights*, *supra* note 21, at 14.

Central Bosnia performed by the Croatian Army were ignored here. In mid-1994, during the preparations for the Washington Agreements among the Croatian and Bosnian governments, the U.S. Ambassador to Croatia, Peter W. Galbraith, stated on Croatian television that there are credible reports of Croats raping Muslim women. Croatia has had an equivocal territorial policy toward Bosnia and Herzegovina which was announced along with the elections in 1990.³¹ Thus, actual events in the war have contradicted MacKinnon's evaluation of who the real victims are. No side could stay innocent in this war. Muslims also committed war crimes and brutalized Serbian and Croatian women.³²

D. MACKINNON'S FORM OF PORNOGRAPHY: OBJECTIFYING VICTIMS FOR POLITICAL GAIN

To present her analysis on the essential connection between sexual crimes and pornography in the Balkans war, MacKinnon uses very concrete, detailed, and suggestive language as she calls on the evocative power of analogies such as the Holocaust to show the lineage of the pornographic use of genocidal rape.³³ All this makes her theory seem very possible and "real." But to understand the real psychological and political impact of such style, one should ask: Who really "enjoys" reading such detailed, graphic descriptions of horrible and humiliating torture against women? ("One woman was forced to keep her Serbian captor's penis hard in her mouth from midnight to 5 a.m. for 14 nights 'My

31. During the spring 1990 election campaign candidate Tudjman was often asked about the Croatian position towards Bosnia. Tudjman is known for responding and making indications that "the strange geographical shape of Croatia" looks like a weapon of Australian natives, namely a boomerang, the shape being a result of Bosnian borders entering deeply into Croatia and almost cutting Croatia in half. He noted that all of the traffic connections between Northern and Southern Croatia naturally go through Bosnia. During the campaign, one of Tudjman's most militant politicians, Sime Džodan, who has been considered a Bosnian "expert" and is currently the M.P. and former Minister of defense (at the beginning of war in Croatia, Summer 1991), was known for discussing the placement of the Croatian flag on top of Mt. Romania, a mountain in the heart of Bosnia. Many Croatian politicians speak of the fact that it is "natural" and "historical" that Croatian and Bosnia "belong" together. There is wide acceptance that Tudjman and Milosevic, during their meetings in 1990 and 1991, were actually agreeing on an acceptable division of Bosnia, a division that is becoming a reality today.

32. IVANA NIZICH, *supra* note 25, at 272-273.

33. One such example is MacKinnon's statement that "the world has never seen sex used this consciously, this cynically, this elaborately, this openly, this systematically, with this degree of technological and psychological sophistication, as a means of destroying a whole people." MacKinnon, *supra* note 1, at 27. This war is not a Gulf War, as presented on CNN. Technological and psychological sophistication doesn't exist down here in the Balkans. This statement also ignores the use of rape in war throughout history: the Japanese "comfort women" camps in Korea during the second world war; the Rape of Nanking; the pervasive rape by Allied soldiers in Berlin in 1945; and the prostitution and pornography industry established by the U.S. military during the Vietnam war, to cite a few examples.

job was to please him, to excite him that whole time, so that he would be able to ejaculate. . . . [H]e would beat me up. I had to remain kneeling.”³⁴) After two and a half years of working in the refugee centers around Zagreb with women refugees and victims of war, I can assure the reader that survivors of such atrocities would not like to read this style of reporting. Neither do I or my colleagues. Who would?

Pornography is not only content, but also a specific aesthetic form of presentation. Exaggerated, distorted images, centered on augmented details, have the primary function of arousing (male) sexual excitement, as Susan Sontag describes it.³⁵ I wonder whether the Serbian rapists, or any other war or everyday rapists, aren't the ones who would really enjoy MacKinnon's graphic style and "aesthetics." It is important to expose the truth of the war atrocities committed against women, but not the way MacKinnon does it: by exploiting the suffering of women and victimizing them further, similar practice the Croatian and Serbian sexist, nationalistic media does.

One-sided political analysis and the production of a demonized picture of the enemy, including the eternal rapist, has been employed all during this conflict. Instead of talking about the "universal Serbian rapist" in this war, as MacKinnon ultimately does, it is more appropriate to talk about the universal soldier who is keen to rape in all wars. MacKinnon's elliptical analogy, which suggests the existence of a universal (apolitical and ahistoric, therefore mythical) Serbian rapist — in the same sense as the everyday rapist, who no doubt universally is a man — has emerged as one more "postmodern" and "posthistoric" bluff. To eradicate the phenomena of war rape, it is necessary to address the social structure and historical background which give rise to war rape. In ex-Yugoslavia, history is falling on people's heads through the shelled roofs and windows.

To present it as MacKinnon has is to turn mass war rapes into nationalistic political pornography and warmongering propaganda in a war where revenge already presents an ever-present danger. Many raped Muslim women and tortured individuals have testified that the Serbian perpetrators called them "bule" and "janjičari," which are the traditional names respectively, for Muslim women and the Christians who, during the Ottoman occupation of the Balkans, converted to Islam and are remembered as very cruel oppressors of the local population. Thus we see an example of historical remembrance translated into modern prejudice and of how revenge-laced propaganda, more than pornography, serves as a basis for rapes and other war crimes committed in this war. Serbian soldiers are raping today in the misguided but state-sponsored belief that it contributes

34. MacKinnon, *supra* note 1, at 29.

35. See Susan Sontag, *The Pornographic Imagination*, in *STYLES OF RADICAL WILL* 35-73 (1967); SOHNYA SAYRES, *SUSAN SONTAG: THE EDEGIAC MODERNIST* (1990).

to a collective revenge for 500 years of Turkish oppression or for the atrocities committed against them by Croats during World War II.

IV. CONCLUSION

What impetus to action should women from Croatia and Bosnia draw from MacKinnon's analysis? How should we use it for our fight? Should we join our military in the fight against the "eternal enemy, Serbs the aggressors and rapists?" Should we feminists start an anti-pornography campaign supported by rigid Catholics, Islamists, pro-lifers, and demographic and spiritual renovators? With the deep moral indignation which MacKinnon's conclusions inspire, some sort of lethargy and depression also seems to be an appropriate response. Women victims of rape and other war violence basically do not respond this way; they are fighters and survivors. They find hundreds of mechanisms to survive and to overcome the traumas. Sometimes there is a feeling of hate, but rarely the motivation for revenge.

Despite suffering personal attacks and witnessing unbelievable horrors, some of us have decided to keep on fighting against the political, historical, economic, and deep cultural roots of this war. These include patriarchal misogyny and pornography as well as collective male egotism and disregard for responsibility in everyday life. We have also noticed that the love of 'grand' ideas such as history, state, nation, and fundamental theories, which often cause facts to be disregarded, contribute to this war. Furthermore, we have seen how women are used for political, warmongering, and nationalistic purposes and then very soon forgotten, while war politics are reinforced.

In conclusion, I would like to emphatically state that I do not allow, under any circumstances, the thoughts contained in this paper to be used to try to excuse or defend any person who has committed any war crime by ordering, allowing, or perpetrating sexual atrocities against women. My message is the same as the one proclaimed in the testimony submitted by the Center for Women War Victims to the Global Women's Tribunal at the United Nations Conference on Human Rights in Vienna, 1993: *We Want Justice, Not Revenge.*