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The War Against Women

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In 2003, I published *Las estructuras elementales de la violencia* (The Elementary Structures of Violence; Segato 2003a), a book in which I presented gender violence in a universalist way, or, rather, in a way that sought out the most enduring aspects of the structure of gender. In that book, I argued that gender has a history that is as long as that of the species; this history moves very slowly, much more slowly than the history of attitudes or ideas. This is an almost crystallized history; it appears to be a natural history. This is why it is so difficult to change gender oppression. I have not stopped believing in the truth of this argument, but as time has passed I have managed to historicize gender and to introduce a radical inflection point into this history.

That the history of gender moves slowly is something that we can see in the present. Despite struggles, laws, public policies, and institutions, the lethality of gender has only increased. This implies not only an increase in the number of gender crimes, but also an increase in the cruelty that they involve. Something similar happens in the case of non-lethal violence against women: we cannot put the brakes on it. Many of those who oppose our struggles argue that the past cannot be compared with the present, because today women file many more complaints. But in the realm of lethal violence today, when there is a body, when there is a death, we can be fairly sure not only that that corpse in question is one of many, but that the numbers of these corpses

continue to increase as a percentage of the total population. In Brazil, in 2012, a woman was killed every two hours. This rate, considered in terms of Brazil's total population, was already very high, but the next year a woman was killed in Brazil every hour and a half. We have seen something similar in Central America in recent years. When it comes to non-lethal violence, we can indeed accept the optimistic argument that there are more complaints filed today, more charges of rape and domestic violence filed. But this is because in the past these forms of violence were understood in many places to be customary, and so women did not denounce them. Even so, it remains true that we have not managed to bring these acts of violence to a halt. The imaginary of gender that sustains them – and serves as their breeding ground – remains intact. There is no sign that these other kinds of non-lethal violence are being curbed by laws, or rather by our struggles fought at the level of the state.

Thus gender is a kind of crystal. It's very difficult to break and seems to be outside time. One of the challenges I face as someone who has thought about gender for a long time is locating the history within it. Because it is one thing to argue that gender isn't natural but rather cultural and fully historical, but it is another thing to locate history within gender. This is a very different task, and it has not been easy, at least for me.

What follows is a set of fragmentary notes on my efforts to this end, notes that I have been collecting for the last decade or more, since the publication of my book on violence. And because I believe that one thinks better in and through polemic, I present these notes in the form of a list of five points of divergence that I have encountered since 2003, five disagreements that I have had with feminists while presenting my ideas to diverse audiences and participating in various forums for debate. Disagreements summon us, stimulate thought, make us think more: hence their utility.

I will present these five disagreements in chronological order, as they arose in my thought. Recently, I have realized that they all belong to the same sphere, to the same universe of questions, and in fact I think they are all profoundly related, all part of a single, indivisible argument. I have not arrived at the end of these reflections, which I do not present here in a conclusive form. But I sense that behind these disagreements there is a single structure that gathers together two opposed positions.

Femicide and Femigenocide

The first disagreement, and possibly the most familiar to those who have read my analyses, is the one I came to when I confronted the reality of Ciudad Juárez. I arrived there after receiving an invitation from several organizations in the city, because the model of the masculine mandate that I had presented in *Las estructuras elementales de la violencia* fit them like a glove, contributing to their efforts to understand the crimes against women happening there. As I have already indicated, *Las estructuras* is a universalist book that speaks of a very long history and locates tribal societies, on the one hand, and modern and contemporary societies, on the other, on the same plane, considering them in a similar fashion. In the book, I argue, among other things, that women's bodies are the first colonies, that the first colony in the history of humanity was a woman's body. Above all, though, the book is about masculinity, and about the masculine mandate, the masculine fraternity, the brotherhood of men understood as an organization sealed by a pact that requires sacrificial victims. Women play a fundamental role here because of the place they are assigned. My conclusion is that this masculine pact already in and of itself has the structure of a mafia pact, an oath of loyalty to the club, to the brotherhood, to the fraternity.

In Ciudad Juárez, I found that what I called, in my essay *La escritura en el cuerpo de las mujeres asesinadas en Ciudad Juárez* (The Writing on the Bodies of Murdered Women in Ciudad Juárez; Segato 2006b and republished as chapter 1 above), a "will to indistinction" was at work in the media and among authorities, prosecutors, the police, and forensic investigators. The discourse in which the crimes and the corpses were discussed had this characteristic. In the news, updates on the finding of bodies abound. Women killed by jealous husbands, debts owed to drug dealers, mass graves, and the corpses of murdered women that were emblematic of Ciudad Juárez: these were all presented in the same way, all mixed together. At night all cats are gray.

At the event in which I participated in Ciudad Juárez, the group was divided between those who spoke of the victimization of women as a single phenomenon and another, small, minoritarian group in which I took part. We began to speak of the need to classify the crimes, though not in the sense in which "classifying" is normally understood. Most people understand "classification" as a matter

of writing into law the categories of femicide and crimes motivated by gender. In this case, in the minoritarian group, we were saying that it was necessary to distinguish between two kinds, two types of motives, two contexts that produce feminine victimization. All crimes against women are contained within the vast symbolic system that is gender, within the structure of patriarchy. All of these crimes are subtended by the underground schema of gender. But the case of Juárez makes it clear that we have to understand some killings of women in their particularity. Why? Because if we do not, then we cannot investigate these killings. The task becomes impossible.

This is what I understood and what I have argued in various texts, including, for example, "Femi-geno-cidio como crimen en el fuero internacional de los derechos humanos: el derecho a nombrar el sufrimiento en el derecho" (Femigenocide as a Crime Under Human Rights Law: The Right to Name Suffering in Law; Segato 2011b, republished as chapter 5 above) and another, shorter text, "Femigenocidio y feminicidio: una propuesta de tipificación" (Femigenocide and Femicide: A Proposal for Categorization; Segato 2012). My claim is that if we do not have specific protocols, we cannot investigate crimes like those that were made visible in Ciudad Juárez, whether they occur there or in other places. We cannot investigate all of these crimes using the same forensic methods; nor can judges rule on them using the same frameworks for understanding. This would mean, for instance, treating them the way one treats a husband who kills his wife, a femicide that occurs in domestic space or in the realm of interpersonal relations. This argument has not yet registered for many in the feminist movement. I have read various theses on femicide and have even been asked to serve as an examiner for some that do not grasp this conceptual difference.

We do not have protocols for dealing with crimes against women that are not committed in the space of relations, where there is no interpersonal relationship of any kind in play. The same is true of cases where it is impossible to refer to individual motives, including serial killings, for example. And we see this in police bulletins and forensic forms. We must understand that there are women who are not killed in the intimate sphere and whose cases therefore call for the use of different protocols. These cases come close to war crimes or paramilitary crimes, where so much depends on the victim's neighborhood or on her relationship to a given group, geographic space, or tribe (as in Africa, in the Congo). If we do not distinguish

mafias act in this way, too, and the state is redoubled; control and the exercise of organized violence also take various forms.

As part of this phenomenon, part of its doubling, the state shows us all the force that its second arm or wing commands. I am thinking of the work of scholars who have spoken of the state of exception, including Agamben (2005) and others. In the case of Germany, for example, the contemporary jurist Günther Jakobs has recently returned to a legal discourse associated with Carl Schmitt in order to argue that special laws for Arabs are necessary. Jakobs lives in Germany today, and still some of us believe that Europe is free of these kinds of ideas, with their echoes of Nazism. In the Nazi world, common laws remained the same, but special laws were created for Jews. "Normal" people – Germans who engaged in commercial transactions, married, or ran into conflicts of interest, and so forth – continued to rely on "common" legislation, but there was special legislation for Jews. In *El enemigo en el derecho penal* (The Enemy in Criminal Law), the Argentine jurist Eugenio Raúl Zaffaroni (2006) offers an excellent analysis and exegesis of Jakobs's thought.

The state always tends to duplicate itself, to double itself. When it needs to, it takes out its arm and produces a duplicate, and this happens almost everyday. Police officers act in a parastate fashion in any and every state, in any country in the world, because they are invested with judicial power, authorized to make judgments in the street. In England, for example, they killed a young Brazilian man, and the police were not deemed culpable, because the street is the police's jurisdiction.[2] Here they make judgments about whether there is danger, and they make these judgments alone. And if they determine that there is danger, they kill and cannot be judged themselves. This is the margin for parastate action that the state gives itself and that persists in all legitimate state violence, in any place in the world. This realm, which is always present in the structure of the "modern," "civic," "law-governed" state, which is always there, expands in some contexts, where this margin becomes wider than the legal order, the normal order, itself.

The always dual and duplicable nature of any and every state is a very important problem that I cannot treat exhaustively in this context. Despite it, we are moved by an intense and fervent faith in the state. We have faith in citizenship, although our reasons for holding onto this faith are never validated, never checked, never carefully examined. It is worth asking if this faith in the state that

so moves us – this faith that motivates our movements and all social movements – is warranted.

In Latin America, we see the expansion of a theater of war that has given rise to what some scholars call new forms of war, or new wars, or non-conventional forms of war. In the most violent countries, we also witness the broad expansion of the sphere that I have been calling the parastate. We are confronting, then, the spread of an informal war that first began to expand under the authoritarian governments and then persisted in the period of gangs, of *maras* and *pandillas* in Central America. There are sectors here that we could call armed corporations, and they organize, maintain, and control the circulation of wealth held by bosses. And this point, which is related to what I have suggested about the first disagreement, leads me to conclude that we need new definitions for understanding war.

In our world, there is a historical and personal nexus that connects those who were active in the armed groups that engaged in parastate, paramilitary repression during the era of state authoritarianisms and the members of today's mafias. Many of the people who were previously active in the state or acting on its behalf, as part of its second arm, went on to become members of private security forces or of criminal organizations. They went on to form the armed, criminal corporations that are active today. This relocation of human resources is evident in Argentina, but it is even more evident in El Salvador and Guatemala. In this way, the practices that were part of wars in the 1980s have become practices associated with gangs today. These are the practices of drug trafficking – or so they are called, although they involve more than drug trafficking.

The new forms of war are characterized by the extreme victimization of women. Two positions – two ways of understanding these forms of victimization – have emerged within feminism. Elizabeth Odio Benito (2001), a Costa Rican judge and first woman to serve on the International Criminal Court, wrote a beautiful essay on the history of war and women. Her perspective emphasizes continuity, although she does argue that forms of cruelty against women's bodies seem to have worsened since the wars in the former Yugoslavia, thus referring to a difference of degree. Other scholars, including Mary Kaldor (2012) and Herfried Münkler (from East Germany and the author of two studies that map out the new forms of war, focusing on the former Yugoslavia: Münkler 2003; 2005), concentrate on new aspects of these forms of cruelty against women's bodies. I see a striking coincidence between what

between these kinds of crimes and others, they cannot be understood. No light can be shed on them, they cannot be investigated, and they cannot be adjudicated.

Consider, for example, the concurring opinion written by the Chilean judge Cecilia Medina Quiroga in the case of the crimes in Campo Algodonero in Ciudad Juárez.[1] Medina presided over the tribunal held by the Inter-American Court of Human Rights in Santiago de Chile in 2009, which did not agree to treat rape as a form of torture. Medina registered her dissent and defended her position that this was a matter of sexual torture. Why did the tribunal not adopt the same position? Because, they reasoned, torture is a crime of general interest, and rape is a particular crime, a crime against women. To frame the rapes committed in Campo Algodonero as sexual torture would be to place them on a universal plane. This is an enormous problem, one that has not been resolved, in my view. If we accept that rape is a form of torture, then what kind of torture is it? I agree with Medina's vote, and it is very interesting to me that she, as president of the court, was not able to impose her perspective or convince the court's other members that they were dealing with torture, a crime of general interest, a fully public crime.

This is the first disagreement. Despite the fact that all of the crimes emerge from the matrix of gender, from the underground structure of gender, today more and more women are dying in a realm that is fully public and that cannot be understood in terms of interpersonal relations and in crimes that do not have to do with personal motives. For reasons that we have yet to analyze, it has been very difficult for the feminist movement to understand this difference. But this understanding is indispensable in practice, because we need to be able to formulate protocols for investigation and specific forensic protocols. Legal and police protocols need to change so that they are tailored either to one kind of crime or to the other. In my work, I have argued that we should use the term *femicides* as a name for all crimes against women that are lethal in their aims, and that we should use *femigenocides* to refer to the subcategory of femicides that cannot be understood in terms of either personal motives or interpersonal relations. Here many problems arise. The most important of these is related to the political desirability of gathering all gender crimes into one category, because this results in numbers that are striking and that can catalyze response with their sheer enormity. Moreover, domestic crimes clearly make up a majority of cases. Another problem is that our mental frameworks tend to make us privatize and domesticate everything that has to do with women, relegating their affairs to the sphere of intimacy. This has to do with modernity, which privatizes the feminine, the domestic.

But we should remember that, according to the United Nations, Latin America is the most violent continent in the world. When it comes to the lethality of criminal violence rather than war, it is even more violent than Africa. Latin America is home to the world's most violent city, San Pedro Sula, in Honduras. In this context, in Central America, crimes against women that are not domestic in nature are increasing far more quickly than domestic crimes. And in almost all of the countries in South America, which is somewhat calmer than Central America, with the exception of Brazil, which has crime rates that are equal to or greater than Mexico, we are also seeing increases in crimes that we do not have tools to understand, because we tend to privatize all of them.

To emphasize the need to categorize these kinds of crimes is not to deny the value of struggles in the field of the state or for the introduction of legal categories like femicide or feminicide into the frameworks of international organizations.

As discourses, these are very interesting, although I do not believe that they significantly affect judges' rulings. What they do manage to do is circulate words for people's suffering, building a rhetoric. Legal discourse thus gradually creates a way of speaking. This is the symbolic efficacy of the law, its performative efficacy. Legal terms are all the more powerful when they are used by people before they are used by judges.

The Victimization of Women in War

The second point of divergence, which I see with increasing clarity, is related to the first and has to do with the new forms of war. Although it concerns what is happening in Ciudad Juárez, it extends beyond the city as well. The heart of my observations in this connection is Guatemala. Already in Ciudad Juárez, I saw a context of war, but of a kind of war that had not yet been defined, one without the definitions that are so essential today for speaking about the new forms of war. I am referring to the vast parastate realm that is expanding in our countries and that takes various forms (Segato 2014b, republished as chapter 2 above). In the past, dictatorships acted with a great deal of parastate latitude. Today

I have written about the Americas, especially Central America and Mexico, and these latter authors, who have written about Europe. In earlier wars, damage done to women's bodies was collateral to the war itself. Women were taken as booty in war, and when territory was annexed, women were annexed as forms of territory, both through insemination and when they were captured as concubines, sex slaves, and so on. These scholars say – as do I in my work on Central America – that war is fought today in and through the victimization of women. What had been collateral becomes central, becomes the very way of waging war. It is important to note that these authors are not feminists, although I am; they are specialists in the study of war. Kaldor argues that contemporary wars are waged through profanation – including, among other things, the profanation of mosques. This could also be a characterization of the destruction of archeological Buddhas and colossal stone sculptures in Afghanistan. Women's bodies are profaned in a comparable way. And along similar lines, Münkler argues that a form of destruction without genocide involves attacking communal ties by attacking the bodies of women, profaning the women. This is the very way war is fought today. In Guatemala, this can be seen clearly, because it is even included in the manuals, among the instructions for waging war.

Here I introduce a second disagreement that I want to address. Part of the feminist movement – following the especially influential work of Catharine MacKinnon (1993) – speaks of continuity between crimes of war and crimes of peace, arguing that there is no peace in relations of gender, that there is no peacetime for gender. This group of women argues that the practice of rape in contemporary wars, in the new forms of war, is a continuation and expansion of women's domestic experience, of what takes place in the home. In the case of Guatemala, for example, according to an underground discourse, the problem with Maya homes is that the men who live in them are uncivilized and beat their wives, that theirs is an explicitly hierarchical world without the civic norms that govern gender relations in our world. But I wonder whether these norms exist for us. When war came to Guatemala, then, according to these feminists, an already violent tendency spread and came to victimize women. This victimization was a continuation of what happened in the space of the home.

But the authors I have been citing, and especially Münkler, argue that even in societies where rape was not a regular practice but

rather one that happened rarely, its use entered military manuals and became part of training for war. In Guatemala, this is perfectly clear. We could say, then, that in Guatemalan homes, there was a gender hierarchy; women and men did not have the same value; a hierarchy of prestige was in place, one based on the sexual division of labor, social roles, and so forth. We can note the presence here of everything we criticize in tribal societies. But, as in the Arab world, there was no rape.

This is why it is so important to walk a fine line. The tendency to ignore differences in various forms of gender violence, the practice of conflating them all, can lead us in circles and prevent us from finding the exit from our problems that we seek. Both in the world of Eastern Europe, which these scholars analyze, and in our Central American, South American, Our American world,[3] war has come to involve the sexual torture of women, and their torture unto death, as a strategy. This happens both in wars of repression and in those of the kind that we see in Ciudad Juárez, gang wars that take place in the expanded paramilitary, parastate sphere. Rather than an expansion or movement outward from the home into the theater of war, what we find are men returning home from war and this return's leading to an exacerbation of domestic violence. This happens because of the existence of the war, which affects certain parts of the population more than others. In some countries, like Guatemala, Honduras, and El Salvador, it affects the entire population. Brazil could also be included in this set of countries, despite the peaceful façade. The numbers of victims of domestic violence and homicides per 100,000 residents are very high. They are numbers that suggest a country at war. So in some countries war is diffuse and affects life as a whole, becoming palpable for the whole population. In other countries, there are folds, pockets, or areas of enormous lethality. My position is not that in these areas the forms of war are continuous with domestic life. On the contrary: it is the form of war that brings about the focus on the destruction of women's bodies, which also destroys communal trust.

In this sense, I have been changing my position. Until fairly recently, I spoke of the destruction of women's bodies as a destruction of enemy morale. Today, after having worked in Guatemala for several months, I have changed this understanding somewhat. I now understand that this is a matter of destroying the ties of trust in the communal fabric. It is a way of waging war that returns to and enters domestic space. It is a way of sustaining

patriarchy in and through war. It is like a circle or a feedback loop, and I see a reversal at work in this sequence of events. War learns from patriarchal structures and makes use of them to dissolve communities and clear territories without genocide. This is what the work of authors who focus on Eastern Europe suggests: that these are techniques for clearing territories and bringing about the disintegration of a people without genocide. Women's bodies are the backbone, the center of gravity, the navel of the social body. In the manuals to which I referred earlier, there are even articles, guidelines that clearly discuss ways to reduce soldiers' reluctance to cause harm to women. Here a problem emerges, a question: Why attack women? This question had already arisen for me in Ciudad Juárez: Why women?

A woman is not a military enemy, not an enemy soldier, not an armed adversary or part of the enemy's troops. Men die much more often in homicides, but they also kill at the same rate; there is proportionality between the lethal violence that they exercise and the lethal violence they receive. Women, by contrast, are murdered many times more often than men and kill much less often. So, why do the new forms of war not simply involve the annexation and insemination of women, as did wars from the earliest wars in the tribal world of which we have evidence through the Second World War? Until this moment, there is clearly continuity, and women were not the targets of destruction. They were annexed, raped, kidnapped, taken as concubines or slaves, but these were byproducts of war. What happens after the wars in the former Yugoslavia and Rwanda, for example? What takes place in this phase of late modernity and late capitalism, such that women become the targets of war? In Rwanda and the former Yugoslavia, war was paramilitarized; there was a paramilitarization of war. Before, wars were fought between states, and they involved insignias, uniforms, and methods for raising troop morale. Everything was conventional; these were old-school wars. After the second half of the twentieth century, war was paramilitarized.

Today, war is technical. It involves professionals, social psychologists, neuro-engineers. Just as there is such a thing as neuro-linguistic programming, there is clearly neuro-military programming. These studies make up their own kind of engineering, a kind of social engineering that seeks to identify the center of gravity in a social fabric, a communal fabric, in order to destroy it in the most efficient, direct, and rapid way, without using too much ammunition. There

are studies that show that, by attacking women, the armed forces attack this center of gravity, laying waste to the social structure, which is destroyed. Feminists know that women play this role of propping up the world, of keeping it on its feet, reproducing it.

One piece of evidence that supports my argument is the content of Guatemala's military campaign plan).[4] These military manuals literally say that soldiers who do not habitually victimize women must be trained so that their threshold for engaging in this victimization is lowered, so that they too can victimize. This is very much like what happened in Argentina after a period when prostitution was prohibited in the 1940s. In the 1920s and 1930s, French and Jewish pimps brought prostitution – or what in the period was called "white slavery" – to Argentina and opened brothels that were later banned. At the end of this period, the brothels that opened legally were located close to military barracks. And this was required by law; it was the law and is written in documents from the period. More recently, there is evidence that something similar has happened in some places. For example, Comodoro Rivadavia is a city in Patagonia located on the Atlantic Coast, in a region in the south of Argentina that is the site of intensive oil extraction. These operations and other large infrastructure projects always bring with them brothels and human trafficking. Near Comodoro Rivadavia, in the mountains, there are indigenous or *mestizo* people who are still very close to indigenous Mapuche ways of life. There are also military barracks. Some researchers in this region argue that when soldiers are recruited from these communities, stationed in the barracks on the coast, where the oil fields and brothels are located, the first thing that they are made to do as part of their military training is visit the brothels. There are testimonies from these soldiers who recount that degrading women by sexual means was not something they did before, that these were learned behaviors. This does not mean that there were not gender hierarchies or forms of victimization in their communities. It means that not all forms of victimization are the same; they do not all have the same meaning or work in the same way.

The victimization of women, then, is part of military training, part of being trained for war. Here we can see the functional nature of sexual victimization, of cruelty against women's bodies in the context of war, where agreements among men have to be very firm and the dissolution of communal forms of life is vitally important. Because of the nexus of historical and personal relations

that I mentioned above, today organized crime still relies on the military strategies of the repressive parastate, including the strategies outlined in Guatemala's military manuals. This remains a military strategy in Latin American drug wars.

A classic case in Argentina is the murder of the young girl Candela Rodríguez,[5] which involved the actions of a corporation within a parastate sphere formed by police, carjackers, and drug traffickers. Another case that struck me when I was in Ciudad Juárez involved a very young boy whose case was much discussed shortly after Candela's. Both of these cases made me think that the same thing that happens to women can happen to children, because neither women nor children are soldiers. They are not the enemy, not the armed corporation's antagonists, not armed enemies. They die and are attacked in and through a form of expressive violence. I use this category throughout my book *Las estructuras elementales de la violencia* and even more so in chapter 1 above. This is a type of violence that is not used directly to defeat the enemy but rather to express the enemy's defeat, to symbolize his destitution, to indicate that the enemy force is no longer respectable, important, or powerful. The bodies of innocent people who are not enemy soldiers are attacked, killed, and destroyed. In this way, the message becomes independent, becomes a pure message. This is not just war; it is war in the symbolic field, specialized war.

To recapitulate, we can see how, in the case of the first disagreement described above, the majority of the feminist movement finds it necessary to gather all lethal crimes against women together. I think that we have to learn to think of femicides that are not particular, that are not committed by perpetrators with private motives but result from motives that are not private, not intimate. In the case of the second disagreement, there is a group within the feminist movement that thinks that in war, and especially in informal wars, domestic violence and violence in the theater of war are continuous with one another. Here I think there is discontinuity and that there are forms of violence in war, forms of cruelty against women, that are learned and that then reenter the domestic realm.

Unequal but Different

If we consider patriarchy to be the foundation of all expropriating violence, a structure whose history is nearly as ancient as the history of the human species itself, then it seems almost natural. We should understand, however, that the structure has undergone modifications throughout history and that it is itself historical. Here I confront a third disagreement, the most difficult to explain because it is the least concrete and requires a bit more caution. What I would like to underscore is a third kind of discontinuity: the discontinuity within patriarchy itself, which changes after the process of conquest and colonization. I think I can prove that the structure of patriarchy undergoes a transformation, a shift such that it becomes modern patriarchy as we know it, and in my view this is patriarchy in its most lethal form (Segato 2015f/Eng.: Segato 2022).

My understanding of this problem is informed by ten years of collaboration with the Fundação Nacional do Índio (National Indian Foundation, or FUNAI), the state organ that handles indigenous affairs in Brazil. In 2002, two indigenous women appeared before the FUNAI to ask the foundation to develop policies on indigenous women, policies that until then had been non-existent. When Lula won the elections and assumed the presidency in January 2003, these women asked the president of the FUNAI to organize a major meeting and to bring a petition to Lula, who was then arriving at the Palacio do Planalto, in Brasília. I was invited to lead this workshop including forty-one indigenous women from all regions in Brazil. This workshop would then lead to a series of workshops, different from one another but ongoing for a ten-year period. These took place in all regions of the country, and they came to include "displaced" women, already living in cities, as well as women who still lived in their villages. (The use of "still" in that last sentence is part of the inheritance of an evolutionist way of thinking with which I have not managed to break.) They included women who spoke Portuguese fluently as well as those who spoke with strong accents or did not speak Portuguese but only their own languages. I joined this state action in the indigenous world, and in this way I was able to observe the advance of the front that I call the state-corporate-media-Christian front, still a patriarchal front and persistently colonial, into Brazil's interior. One thing I wondered at the time was what was happening to the men in these villages, or in what – using a Weberian typology – I call the "village-world." In the interior, among people whose communal and collectivist forms of life still exist – with their strategies for controlling the accumulation and concentration of wealth, their own technologies of sociability, and their own historical projects that diverge from the historical

project of capital – what was happening to gender? What happens when this well-intentioned state front – with its NGOs, its public policies, its schools, its clinics, its initiatives for indigenous women, and so forth – enters the world of the village? It turns out that what happens is that, together with all of this, violence increases. But why does this happen? It is a totally striking phenomenon to think about. Why do forms of aggression against indigenous women advance and increase with the arrival of the state front and its corporate, media, and Christian allies? This increase is demonstrable, a feature of reality. There is a woman whose husband cut off her arm with a machete, another who was disabled by the blows she received. These kinds of domestic violence, these forms of cruelty against women, of hatred of women, were not features of the previous communal structure. They have to do with how men were captured by the colonial world.

Here I am synthesizing a lot of material (e.g. from Segato 2015f/ Eng.: Segato 2022), compressing an analysis that should be much longer. A key question has to do with creolization. I am from Argentina, and for much of my life calling something "Creole" seemed to be saying something lovely. Today I believe that "Creole" is synonymous with "prejudiced," "homophobic," and "misogynist." Our Creole world is a world that is lethal for women. And this has to do with the colonial front. I am not the only one to argue this; French researchers in Africa have said the same thing. I observe it in our world. The man who fights a war against the colonizer is creolized, whether the colonizer is an overseas administrator or a republican colonizer, a state agent. It is all the same.

At the root of this observation is the recognition that they tricked us when they told us that our republics represented a decisive break, a real rupture, with the world of overseas administration. This is a myth. Or it's not even a myth; "myth" is too dignified a word to use here. It's a trick; we were tricked, because our republican states, our Creole governments, are mostly continuous with the colonial world, with overseas administration. They are much more continuous than they are discontinuous or the products of rupture. This can be seen in how states treat their interiors, the interiors of our nations.

The case of Uruguay is very interesting. In Argentina and Brazil, we are fascinated with Uruguay's great citizenry. But we are used to ignoring the fact that this country is built over an enormous mass grave. And the specters that are felt – these specters are always present. You cannot fully repress a population that has long

moved through a landscape, burying this whole population near the Salsipuedes Creek.[6] This cannot be done.

With the advance of the state front, a creolization of men takes place. They are the first to be captured, initially when they defend themselves militarily against conquest and then when they negotiate peace. Men are captured, kidnapped by white men, caught within their ways of seeing and their form of sexuality. The gaze and the meaning of accessing the flesh change completely. And the creolized man is profoundly transformed; he adapts, because he has to make a choice. He has to choose between his peer, his partner, his brother, the white man, on the one hand, and his wife, his children, and his home, on the other. The interpellation of white masculinity is very strong, especially because white masculinity vanquishes and emerges victorious. The creolized man thus surrenders, accepts the mandate of white sexuality and white power, and becomes a colonizer within his house.

This is my understanding of the history of colonization and conquest, but within feminism we can see three different positions, three different approaches to the problem. A first position, which we could characterize as Eurocentric for the sake of simplicity, says that gender is the same here and there, and if anything more oppressive in the world that is "peripheral" from the standpoint of Europe. At the other extreme, there is a group of scholars that includes the Argentine researcher María Lugones, who teaches in the United States. Although I disagree with her, I appreciate her essays and other texts. Drawing on ethnographic and historical evidence from a range of scholars, Lugones (2007) argues that in the precolonial world there is no such thing as gender. She is especially inspired by the work of the Nigerian author Oyèrónkẹ́ Oyěwùmí, who also teaches in the United States. Oyěwùmí (1997) notes that in the Yoruba world gender is a colonial invention of the British, that it did not exist before British colonialism. These two figures would thus represent the other extreme, at a far remove from Eurocentric feminism. My own position is between these two.

My argument is that in the precolonial world patriarchy did exist; there was indeed a gender hierarchy, and men and masculine tasks were more prestigious. There was also a certain violence in this world, because hierarchy is necessarily maintained and reproduced by violent means wherever it exists. But this patriarchy was – and is where it still exists, and it exists in many places, although often in decline – a *low-impact* or *low-intensity patriarchy*. Where

there is community, women are more protected. What occurs in the passage to modernity is the colonial capture of the non-white man and an abrupt decline in the value and politicality of domestic space. We can see this happen – it is almost literally visible – in some areas, some places.

In the communal world, there are two kinds of space. On the one hand, there is public space. Is it monopolized by men? Yes. Do they enjoy greater prestige? Yes. And can only men speak within this space? Yes, in many tribal societies this is the case. On the other hand, there is domestic space, which is less prestigious but political, endowed with its own politicality. This space is not intimate, not private. How, though, is this domestic space political? When the family is nuclearized – when domestic space comes to encapsulate a mother, a father, and children – it is also depoliticized. This can be seen in the indigenous world. Before, communities had domestic spaces that were full of dozens of people, seen by everyone. The notion of private life – the idea of a protected privacy, the value of the private, which is fully modern and fully individualist – did not exist. The intimate and the invisible did not exist. Such a vision of things did not exist. But this kind of collective eye was lost with the advent of the nuclear family. Modernization, individualism, and the nuclearization of the family – in all of these phenomena, we see an abrupt devalorization of the space of the particular, of domestic space, which becomes a space of intimacy and privacy. This is not what it had been.

Another very important difference is that public space in the communal world is not the platform for the delivery of statements that have universal value. There is no universality. The two are two, and this is a dual world, a world of duality. With the advent of modernity, this dual structure became a binary one. The dual and the binary are not the same thing; there are differences between them. Binary structure is the structure of the One. To speak politically, to produce a discourse with universal value and general interest, a discourse recognized as clearly political, it is necessary to speak in the public sphere. This sphere did not exist in the tribal world, because there was only public space, one of two kinds of space. Here, in the world of modernity, there is only one space of the One, one public sphere where speech can have political import for all people. Whoever wants to speak here has to adapt, to learn to behave, to hold his body in a certain way and to dress in a certain way. This claim might at first strike us as false, because women, black people, gay people, and disabled people all speak. But they have to make a great effort – to cross-dress – in order to do so, in order to speak in the public sphere. No one speaks here wearing an apron, because the public sphere monopolizes and totalizes all politics. All the rest is a remainder, is residual.

That is the structure of modernity, and it is more lethal for women than any others because it transforms their lives, nuclearizes families, and alters everything that happens to us. This is why it is also crucial to speak of what happens to us in war, not because this is numerically the most significant set of events, but rather because it changes our way of thinking about what happens to us women; it shows us that what happens to us is fully public and not private. This is key, because all of the mechanisms at work, all of the official discourses on women, push their lives into the realm of the private, the intimate, the particular. As it is defined in modernity, this difference is a binary structure.

This is another disagreement, another debate within feminism that I consider immensely important for the effort to think more clearly. Elsewhere, I say something perverse, *épater le bourgeois*, but it is necessary for challenging the right-thinking schemas that cause us to go around in circles. I say the following. If the modern slogan is "different but equal," and this is ultimately a fiction – because in a binary structure it is impossible; there is no place for the other; the other is a function of the one – in the tribal world the slogan would be "unequal but different." Here the world is explicitly plural.

When we repeat our slogan, in a heartfelt way – when we say "different but equal" – we are placing faith in the discourse of modernity. This is an egalitarian discourse, but it is only a discourse. As feminist legal scholars have always said, very rightly – this is the key critique of feminist legal scholarship – modernity has a discourse of equality that hides inequality. Never in the history of humanity have the concentration of wealth or levels of inequality been greater than they are in the present. Eighty-five people own the same amount of wealth as the whole rest of humanity. Never before has the concentration of wealth been greater. And this does not mean that inequality is a question of money. It is a question of power. Those eighty-five people have the power of life and death over others.

In the tribal world, men and women are two different natures. There is no belief in a universal equivalent, in a universal human being with all the problems that such a figure entails. Here men and

women are not hierarchically equal, but in this inequality both are full, in their being, in their difference, in what they are. Each has his or her own world. Thus they are unequal, but in a plural world. To say "unequal but different" is to deliver a warning, a challenge. In these societies, men and women make up two sets, two groups of people who are ontologically full, ontologically complete. One group does not stand for the other's deficiency, is not a function of the One. This is not a world of the One like ours is. Each of the two has his or her fullness, his or her historical projects. Each has his or her agreements, his or her forms of politicality, his or her alliances even in disagreement, his or her space for politics. The woman is shielded; the community protects her; a collective eye looks out for her, because domestic space is full of the many people who pass through it.

I emphasize this difference because it is difficult for us to understand that there are diverse ways of being. Arab women have said this very emphatically. And we see the same phenomenon in the Americas. Anyone who goes to the countryside and who comes close to communal life sees that women here behave very differently than they do in cities. In Argentina, I live in a very rural region in the Andes. Here women are much more powerful than they are in the city. It is an observable phenomenon, one that is being gradually lost with the advance of urbanization, the world of mass culture, and the world of citizenship.

In the Western world, the European world, difference is a problem that must somehow be "resolved" through the use of a universal equivalent to produce equality. This requires many sacrifices. Today the communal world is shot through with discourses of equality, the discourse of Human Rights; there is also internal debate within communities which are creating their own paths – in Chiapas, for example – and developing good slogans that find their way into the world of modernity. These are open worlds.

This is not a question of customs. I am not referring to culture, because culturalism, in my view, is one of the forms of fundamentalism. In some tribal societies, in indigenous societies, we sometimes see forms of despotism that are not Creole but that present themselves as customary, as native to communities, as if gender hierarchy were prescribed by tradition. This recourse to custom is a culturalist recourse, which means it is fundamentalist. This happens not only in Islam but also in Catholicism, in some evangelical religions, and in the tribal world. This is why for the

most part I do not refer to the notion of culture unless it is indispensable. I am not talking about customs, then, but about historical projects, about historical pluralism, about a different history. In these different historical projects there was – there always was – internal deliberation, and there was always change. Humanity has never been self-identical anywhere. The idea that history is ours – that it belongs to the modern, white, European world – and that other peoples have customs is a binary invention, a Eurocentric invention, the product of a Eurocentric view of tribal peoples. But it is not true. All peoples have always had customs *and* history, both. And we do, too, if we are a people.

Sometimes, people have suggested that I idealize the tribal world. But aren't we dealing with prejudices against this tribal world? Don't we need to examine our beliefs? Isn't this a constant obligation for any investigator – that she investigate herself and examine her own certainties? Can we advance in thinking if we do not doubt our certainties, question our convictions? Now, our certainties indicate that the tribal world is underdeveloped. And what I say – and here I understand the resistance I encounter, because my statements challenge the certainty that the tribal world is underdeveloped – is that the world is moving toward violence, that the Holocaust is modern, as both Hannah Arendt and Zygmunt Bauman have argued. In other words, without modernity there is no genocide. I say this while fully aware that I am instilling doubt, that I am questioning a series of unexamined certainties, a series of convictions with which we think and work. I believe that this is necessary because we are arriving at a moment of defeat; the feminist movement has been defeated in its struggle to reduce violence.

This call, this alarm, is usually totally disconcerting, because we have a civic blindness, a civic faith, that prevents us from seeing the reality of the world we live in and the real consequences of our faith. The discourse of modernity is egalitarian, but legal, liberal, general equality hides a world that is increasingly unequal. And we have placed all our bets on the state. Social movements have jumped in with both feet, entering the field of the state and seeking to expand it. And I always ask: What are the results of this wager? What has resulted from our having wagered on the historical project of equality?

The challenge is enormous. If we need to make all the distinctions that I have been discussing and, at the same time, note that all violence is underpinned by a common structure, the symbolic

structure of patriarchy, how are we to do this? The solution is to think historically. We need to avoid the tendency to compartmentalize our theories, our thought, and our struggles. Why do I say that this is a mistake? Because we are not achieving great results. Today we are confronting a world where the use of the pedagogy of cruelty is evident. To see this, one need only listen to reggaetón or to many other kinds of massively popular music, or to watch television, or watch commercials. All the time we see that we are subjected to training, trained by a pedagogy of cruelty. The televisual gaze is a pillaging, despoiling gaze.

Finally, we must also ask ourselves: Why do feminist women demonstrate this historical, civilizing will to indistinction? I believe that this is a characteristic of current feminist thought. It encourages indistinction within the feminist movement, hiding forms of domination and unequal prestige within the movement itself. But there is also a struggle within the movement, as everyone knows: a struggle for control, for influence, for prestige, and even, especially, for resources. We women should be the first people to acknowledge the plural character of people's experiences, and we should be able to understand different historical projects.

On the Role We Assign to the State

Here I note a fourth disagreement among feminists, one that I will refer to only briefly because it has been discussed in the literature on debates in institutional feminism. It divides those groups, today in the majority, who have placed all their faith in the state and in efforts to advance within the field of the state through the creation of more laws, public policies, and institutions, from feminists who observe that this institutional strategy has yielded few results, especially when it comes to reductions in lethal violence and in the forms of cruelty aimed at women. These women note that when results have been achieved, they have prioritized white, middle-class women, who have managed to be "included" and to become actors in the public sphere. The first group believes that there is a causal relation between laws and practices – a view that I have critiqued on various occasions.

This position is related to the third debate that I examined above, which opposes European feminisms to non-white feminisms or feminisms for Our America. It follows from a Eurocentric

perspective and belongs to a reality in which, for historical reasons, the relationship between the state and society is different from the state–society relationship in Latin America, in spaces of colonization. In these spaces, our spaces, the republican state, heir to overseas colonial administrations, has remained external to the nation's territory and society. Women who place faith in such a state hold fast to an unexamined belief that institutional failures are caused by the inadequate observance of norms on the part of state agents in charge of delivering public services. They believe, then, that adequate instruction will remedy these circumstantial defects, and that the state can be reformed through the improved provision of social services. As I indicated above, this belief emerges from the influence of Northern feminisms, which pressure us in the South to impose objectives and develop policies in the image and likeness of the objectives and policies that serve their geopolitical context. They do this without recognizing the constitutive history and architecture of the state in postcolonial contexts. This constitutive architecture, inherent in Latin American states, has served since the founding of these states by elite republican Creoles, to guarantee that the nation's resources would remain appropriable and that the appropriators would remain protected. This is, as I have said, a constitutive failure; history has never proven that it could be overcome, that resources could be reapportioned. Instead, the work of appropriation has continued and has been territorially overseen by an administering elite that endogamously reproduces itself within its own spaces. (An "elite," in the definition of the term that I adopt, is any group or network of state administrators.) To this we can add the increasingly ungovernable and unrestrainable agreement between the state and corporations, which the discourse of human rights seeks to bring to an end, without success.

Responding to this set of arguments, I wonder: What is it that the state can do for us, and what can it not do for us? I think we should look for solutions both *within and outside the field of the state*. Almost without realizing it, we have been conforming to the feminisms of the North, accepting their strategies and objectives, which have led us to place all our bets on the state, without exception. This has not taken us very far in our efforts to achieve our goals and realize our demands.

Without giving up our struggles on the state front – because we must struggle on all fronts – we need to try to advance outside the state as well, to pursue extra-state projects through

the reconstruction of communities on the basis of the fragments of communal fabrics that can still be found, that remain recognizable and vital, or what I have called the shreds of community. We should never use abstract models to this end, because communities need history and symbolic density: their own cosmoses to support their cohesion and guide their historical projects.

How Not to Ghettoize the Question of Gender

I have mentioned this fifth point of divergence before, while examining the difference between the dual world of collectivist societies and the binary structure that organizes modern societies. But the debate warrants its own specific section. As I have explained in my analysis of gender and coloniality and the emergence of a colonial-modern *high-intensity patriarchy*, in modern societies, the binary structure of the relationship between the *public sphere* (the venue that authorizes statements about everything of universal relevance and *general interest*) and its *margins* (where all problems pertaining to the *particular interests* of so-called "minorities" come to reside) causes everything related to gender relations and everything that affects the lives of women to be deemed marginal, relegated, reduced to the realm of the intimate, the private, deprived of politicality. This binary structure captures women's experience and confines their "citizenship" to a space of particularity, specificity, and partiality. It also underlies approaches to gender that ghettoize it, that is, that define the question of gender relations and the problem of women's victimization and the victimization of those marked by their non-normative sexualities as issues that can and should only be examined in the context of attachments, affects, and representations of men and women. This is a position that does not represent my view either as a theorist or as an activist.

The position that I describe as ghettoizing the question of gender can also be traced to the entrenched priorities, categories, and practices of Eurocentric feminisms, which we could describe as "productivist" and institutional. These feminisms – "specialist" feminisms – tend to isolate the problem of relations between men and women from broader and more general considerations of historical context and relations of power.

Against this approach, we find a feminism that approaches historical context first of all and then considers women's destinies

within this historical scene. Here the study of historical context becomes fundamental to the effort to locate power and analyze how it is exercised. This approach understands gender as a kind of thermometer, a field that allows us to read and be read in light of a broader context, one produced by the workings of capital, politics, and social practices in general. The situation of gender allows us to diagnose a given historical scene, and only the analysis of the framework that is this scene allows us, in turn, to understand events at the level of gender.

It is only when the problem is seen in this way that we can understand why it is so difficult to remove women from the position of increasing vulnerability to which they remain relegated in today's world, despite the increasing numbers of laws and institutional measures meant to protect them and promote their wellbeing. The history that keeps women bound to this subordinate position extends far beyond what any ghettoizing, specialist analysis of patriarchal structures can account for.