

RELATING TO TERROR: GENDER, ANTHROPOLOGY, LAW, AND SOME SEPTEMBER ELEVENTHS

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“. . . those forays into the interior are a source of strength for me. I feel close to the people there, and these moments make me forget other hurtful things in my life. I have seen new places where beauty and sorrow are intertwined, where there is a silent struggle to rise above pain and despair, to not surrender. But the miniscule changes occur at such a “low intensity” rate, while the social costs are inordinately high.”

Myrna Mack¹

“To speak when everyone else is silent, to see when everyone else keeps their eyes covered, to listen when everyone else prefers to hide in the swelling multitudes whose shouts drown out the cries of the victims; this is the greatest challenge to those of us, women and men, living in difficult times. Myrna confronted these challenges with her work, she saw and listened and decided to speak. She was the voice of those without voice in a moment when you paid with your life for being intelligent and daring to speak. . .she gave her life in the hopes of economic, political, and social changes in our country. She bet on the future. . . .”

Rigoberta Menchú Tum²

I. GENDER AND ANTHROPOLOGY

“There can be no pure opposition to power, only a recrafting of its terms from resources invariably impure”

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1. Elizabeth Oglesby, *Myrna Mack*, in *FIELDWORK UNDER FIRE: CONTEMPORARY STUDIES OF VIOLENCE AND SURVIVAL* 254 (Carolyn Nordstrom & Antonius C.G.M. Robben eds., 1995).

2. MYRNA: DÉCIMO ANIVERSARIO DEL ASESINATO DE MYRNA MACK 23 (Lucrecia Hernández & Nadezhda Vásquez eds., 2000).

Judith Butler³

On September 11, 1990 the Guatemalan anthropologist Myrna Mack Chang was assassinated in front of her office in Guatemala City. She was just one of several hundred thousand people killed in that country during 35 years of civil war.⁴ Drawing on the relation between that date and the more familiar September 11, 2001, in this essay I will relate (meaning to discuss and to connect) the terror events of recent months to anthropology, gender, and the law via a detour through Guatemala.

Feminist theory provides us with the vital insight that gender is not a thing. Gender is a relation.⁵ Rather than binary opposites, masculinity and femininity are culturally constructed as different via terribly intimate connections. This insight was deployed not only to understand the social world, but to change it, leading to its corollary in the wisdom of our foremothers: the personal is political. The revolutionary potential of these insights is to show the deep familiarity and constant exchange between these two apparently clear-cut, apparently contrary realms, the collapse between what seemed far away and what was closer than our own skin.

This is why I have always found feminism highly congenial with anthropology's methodology of participant observation. Knowledge and understanding are gained through personal connection, through doing, not just viewing, through the subtle shifts in identification as the strange is made familiar while simultaneously the familiar is made strange. The "field" of anthropology may be less the South Pacific isle or the highland indigenous village than the shuddering vacillations in-between, a certain collapse in self and other, in far and near, in power and powerlessness, and the attempt to tell a compelling story about that experience.⁶ For feminists and many anthropologists, linking the personal with the political is not an academic exercise.⁷ It is both the only way to get the job done, and a survival strategy. Feminist anthropology challenges ways of knowing, sanctioned ignorance, power hierarchies disguised as everyday life, and reveals their intimate relation to State policies. In this essay I will link these strategies of gender analysis and anthropology to terror and law. I

3. Peter Osbourne & Lynne Segal, *Gender as Performance: An Interview with Judith Butler*, 67 *RADICAL PHIL.* 32, 39 (1994).

4. GUATEMALA MEMORIA DEL SILENCIO, Tomo I-XII. (Comisión para el Esclarecimiento Histórico ed., 1999).

5. Judith Butler, *Against Proper Objects*, in *DIFFERENCES: A JOURNAL OF FEMINIST CULTURAL STUDIES*, Summer-Fall 1994, at 5 (1994) ("[G]ender has denoted not a set of attributes or identities, but a framework of differential analysis. . ."); see also Sherry B. Ortner, *Is Female to Male as Nature is to Culture?*, in *WOMEN, CULTURE, AND SOCIETY* (Michelle Rosaldo & Louise Lamphere eds., 1974); MICHELLE Z. ROSALDO, *Woman, Culture and Society: A Theoretical Overview*, in *WOMEN, CULTURE, AND SOCIETY* (1974); Joan W. Scott, *Gender as a Useful Category of Analysis*, in *GENDER AND THE POLITICS OF HISTORY* 28 (1988).

6. As Renato Rosaldo put it when asked what exactly anthropology is: "There's one thing that we know for sure. We all know a good description when we see one." RENATO ROSALDO, *CULTURE AND TRUTH: THE REMAKING OF SOCIAL ANALYSIS* 33 (1989).

7. See AUDRE LORDE, *SISTER/OUTSIDER: ESSAYS AND SPEECHES* (1984); see also BEATRIZ MANZ, *REFUGEES OF A HIDDEN WAR: AFTERMATH OF COUNTERINSURGENCY IN GUATEMALA* (1988); KAMALA VISWESWARAN, *FICCTIONS OF FEMINIST ETHNOGRAPHY* (1994); *NATURALIZING POWER: ESSAYS IN FEMINIST CULTURAL ANALYSIS* (Sylvia J. Yanagisako & Carol Delaney eds., 1995).

will suggest that these are also relations based on intimate contact, which also seek to make sense of the world and to change it.

I am not a Middle East expert—although given the effects of “my” (United) State’s policies there, I should be. I will instead try to relate what CNN calls “America’s New War” to Central America, where I have worked for 17 years. Both here and there the intimate and personal realms of gender, love, mourning, and terror are political and second, both here and there the date September 11th resonates. I will try to write from the trembling intersections of what are apparently separate realms, personal and political; them and us; participation and observation. At the risk of sounding un-p.c. (patriotically correct),⁸ I would argue against the attitude (expressed by State representatives, by some of my students, and by many in the mainstream media) that, because the United States has been through a heartrending experience, we cannot use our minds to make sense of it. “Make no mistake,”⁹ many minds are hard at work right now to make use of our terror. Even the dead will not be safe if we do not work very hard right now to keep the personal linked to different politics than continuing militarized retaliation and aerial massacre. This commentary is an attempt to tell a compelling story, to both understand and to change the increasingly terrifying world. While I often feel, as Lily Tomlin once said, “no matter how cynical I get I just can’t keep up,”¹⁰ I also want to honor the way in which many Guatemalans I know have responded to decades of living in close relation to terror: with optimism of the will.¹¹

II. GENDER AND TERROR

“You construct intricate rituals which allow you to touch the skin of other men.”

Barbara Kruger¹²

There is nothing inherently masculine about football, missiles, or submarines. It is their distance from things that have been defined as feminine—Barbies®, lipstick, high heels—that defines them. It is the “opposite” (and less valued) pole of the self-constituting femme other, and the constant terrorizing of “boys” when they threaten to get too close to that, which disciplines many people into a gender. For women, Judith Butler calls this process “the girling of the girl.”¹³ Because it is a relation and not a thing, however, you can never be sure

8. Mark Driscoll coined this phrase. I am thinking of a number of chilling events such as the publication by the American Council of Trustees and Alumni (ACTA, a well-funded group co-founded by Lynne Cheney, wife of the Vice President) of a blacklist of 117 academics.

9. In his remarks about the events of September 11, President George W. Bush made repeated use of the lines “make no mistake,” and “if you’re not with us you’re against us.” See, e.g., Robert McFadden, *A Nation Challenged: The Reaction. Many Listeners are Reassured by Tough Talk*, in N.Y. TIMES, Sept. 21, 2001, at 1.

10. JANE WAGNER, *THE SEARCH FOR SIGNS OF INTELLIGENT LIFE IN THE UNIVERSE* 14 (1986).

11. ANTONIO GRAMSCI, *SELECTIONS FROM THE PRISON NOTEBOOKS* 175 (Quintin Hoare & Geoffrey Nowell Smith eds., 1971).

12. BARBARA KRUGER, UNTITLED (artwork, 1981), available at http://www.du.edu/~kebuchan/html/gallery_blackandwhite.htm.

13. See JUDITH BUTLER, *BODIES THAT MATTER: ON THE DISCURSIVE LIMITS OF “SEX”* 8 (1993) (By making the noun “girl” into a verb Butler is emphasizing the process by which a body is engen-

you conform enough, so it is a daily struggle to figure out how close you can get without slipping over. It is not so easy to be purely “with us or against us.”

In the homosocial worlds (meaning most important relations or sociality occur with the same) of U.S. politics, sports, economics, militarism, etc. the relations of distance and intimacy are extra fraught because you need to be close, but never too close.¹⁴ Depending on how confident you are allowed to feel, this relation can be an ecstatic, productive place (and lucrative for folks like Madonna or David Bowie) or a site of continuous terror, the low-intensity conflict of gay-baiting and homophobia which exist simultaneously with heterophobia (fear of difference). The terrorizing policy of “don’t ask, don’t tell” in the U.S. military is a casebook example of the ambivalence produced in the intersections of identifications as relations, not things.¹⁵

dered, by which it is invested with history, given properties. Neither girls nor boys are always already existing; they have to be made, and they are made in relation to each other. Boys receive innumerable messages about what they’re supposed to be, but also dire warnings about what they are not supposed to be. “You throw like a girl,” is not a compliment, and such warnings can become exponentially harsher, sometimes escalating to physical violence against boys and girls who do not seem to fit the appropriate category.)

14. EVE KOSOFSKY SEDGEWICK, *BETWEEN MEN: ENGLISH LITERATURE AND MALE HOMOSOCIAL DESIRE* 1-11, 83-96 (1986). Gender difference has become a powerful way to “other” the Taliban of Afghanistan (and Muslims more generally) via their exclusion of women from public life, political decision-making, education, health services, etc. The U.S. is apparently “far away” from them. See Pete Norman & Eileen Finan, *Veil of Tears*, *PEOPLE MAG.*, Nov. 12, 2001, at 106-110 (graphically representing the distance by juxtaposing the uncovered Madonna with a veiled Afghan woman). While I do not condone the abject conditions of Afghan women, the Bush administration’s sudden concern for them smacks of ab/use and seems to be a perfect updating of what Gayatri Spivak calls “white men saving brown women from brown men” as a way to justify violent colonial policy. Gayatri Chakravorty Spivak, *Can the Subaltern Speak?*, in *MARXISM AND THE INTERPRETATION OF CULTURE* 297 (Cary Nelson & Lawrence Grossberg eds., 1988); see also Miriam Cooke, *Islamic Feminism Before and After September 11th*, 9 *DUKE J. GENDER L. & POL’Y* 227 (2002). The ironies are rife in claiming to save Afghan women through murderous bombardments which have leveled villages, killed thousands of civilians, many of them women (although, as the New York Times admitted in a back-page story on December 9, 2001, no one is counting), and displaced hundreds of thousands of people, threatening a “passive genocide” of millions by starvation. Roberta Cohen, *The Hungry Country*, *N.Y. TIMES*, Dec. 9, 2001, § 4, at 3. The m/paternalist concern, the crusade to save these women from the oriental despots who oppress them, flirts with the old fantasmatic appeal of the harem and, in the mobius strip of self-constituting others, saving brown women over there also conveniently distracts from the difficult situations faced by many women (white, brown, etc.) in the U.S. The same government that cut family planning funding from U.S. development aid and appointed an anti-choice Attorney General now styles itself the world’s protector of women’s rights. Based on the same theories Attorney General John Ashcroft supports, women’s health clinics have been receiving hoax anthrax letters for years as well as losing staff to murderous terrorist attacks. See Tamar Lewin, *The First Mailings; Anthrax Is Familiar Threat At Nation’s Abortion Clinics*, *N.Y. TIMES*, Nov. 7, 2001, at B7. As Spivak describes, “the British officials “saving” Indian women from sati were simultaneously some of the most vociferous opponents of women’s suffrage at home.” Spivak, *supra* this note, at 297. Caught up in this noble mission it seems petty to mention that “at home” in the U.S. women must contend with glass ceilings, a safety net destroyed by Democrat and Republican regimes alike, dwindling access to health care, especially for their children, widening divides in wages earned by poor women and non-white women, and increasingly limited access to reproductive choice. And, to return to the theme of homosociality, only three of the 15 Bush Cabinet members are women. For a general overview of this situation see CYNTHIA ENLOE, *THE MORNING AFTER: SEXUAL POLITICS AT THE END OF THE COLD WAR* (1993) and SUSAN FALUDI, *BACKLASH: THE UNDECLARED WAR AGAINST AMERICAN WOMEN* (1991).

15. JANET HALLEY, *DON’T: A READER’S GUIDE TO THE MILITARY’S ANTI-GAY POLICY* (1999).

Recent analyses of terror attacks on U.S. soil frequently compare the incidents of September 11th with the Columbine High School killings (both often reduced to “senseless acts”). I suggest that gender figures prominently in both cases. Of course, boys and men, not girls or women, were the killers/suicides. At Columbine the young men were “othered” in various ways. Homophobic questions were raised about the intimacy of their relation (were they too close?) and vacillated with heterophobic insecurity (they were too far, too different from the other students, in their trench coats and gothic looks).¹⁶ The boys in turn seemed to feel they were carrying out a retribution for their suffering. Who is victim, who is victimizer?

Girling and queering the enemy (and then “smearing the queer” as in the childhood game) has a long history in the U.S. as Corey Robin brilliantly describes.¹⁷ In the mainstream press as well as more widely read venues like the tabloids, Mohammed Atta, presumed leader of the September 11th hijackings, is described through classic feminizing and gay tropes: too close to his mother, avoiding women, and exasperating his father who warns him to “toughen up, boy!” Other “others” (Osama bin Laden, Saddam Hussein and Manuel Noriega) are similarly depicted.¹⁸

Like gender, terror is also not a thing but a relationship—one that telescopes our senses of distance and closeness. Compelling stories are told that bin Laden, Hussein, and Noriega are terrorists and therefore deserve to have terror unleashed against them (and anyone unlucky enough to live in the same country with them). But they were, for years, in intimate relation with U.S. foreign policy—before their fortunes changed (that line between “with us or against us” is so porous!). The very CIA manuals used to train mujahedeen¹⁹ (and Latin American death squads) teach that an intimate knowledge of the target creates the most effective terror.²⁰ The attacks of September 11th closely follow the Special Forces-style instructions of using the weapons to hand, knowing the enemy’s weakness, and making surgical strikes that sow uncertainty.²¹ Yet the ter-

16. Anthony Chase, *Violent Reaction: What do Teen Killers Have in Common?*, IN THESE TIMES, July 9, 2001, at 1.

17. Corey Robin, *Closet-Case Studies: The rumors that Mohamed Atta was—well, you know—are part of a long American Tradition*, N.Y. TIMES MAG., Dec. 16, 2001, at 23-24.

18. Remember Noriega’s canary yellow suits and the front-page National Enquirer image of a cross-dressed Hussein (March 12, 1991)? The process of ethnic and racial ‘othering’ shares intimate relations with gender vacillations as, for example, the Maya are feminized vis-a-vis non-indigenous people in Guatemala; Latinos, Asian-Americans, and Arabs are feminized (and simultaneously hyper-masculinized vis-a-vis Caucasians, etc.) Even the clothing styles associated with the Middle East play in the outskirts of Euro-American gender appropriate fashions (perhaps leading to T.H. Lawrence’s thrill in transvestitism?). See DAVID L. ENG, RACIAL CASTRATION: MANAGING MASCULINITY IN ASIAN AMERICA (2001); DIANE M. NELSON, A FINGER IN THE WOUND: BODY POLITICS IN QUINCENTENNIAL GUATEMALA (1999); KAJA SILVERMAN, MALE SUBJECTIVITY AT THE MARGINS (1992).

19. Literally “people who struggle;” the term was used for U.S.-backed Afghani forces fighting the Soviet occupation.

20. See NELSON, *supra* note 18.

21. Freedom of Information Act cases have de-classified generations of CIA manuals, and similar forms of training have been exposed at the School of the Americas. Declassified CIA and School of the Americas manuals are available at <http://www.gwu.edu/~nsarchiv> and <http://www.soaw.org>. See generally Steven Lee Myers, *Word for Word/U.S. Army Training Manuals: Be All That You Can Be: Your Future as an Extortionist*, N.Y. TIMES, Oct. 6, 1996, § 4, at 7; see also Peter

rorizer must also feel completely separate from those they terrorize in order to carry out their acts (a distance—and sanctioned ignorance—encapsulated in the term “collateral damage”).²² The stuttering, slippery movement of terror’s simultaneous intimacy and aloofness, identification and othering, is bruisingly captured in testimonials of torture survivors like Sister Dianna Ortiz and others.²³

A great deal has been written in the U.S. since September 11th on terror. In fact, I feel drenched in the flood of competing compelling stories. And still I am unsure what it is. The hijacked planes flying in to the World Trade Center, the Pentagon, and a Pennsylvania field tragically killing over 3,000 people, are called terror attacks. Is this because they were not meant to kill the precise people who ended up dying (and therefore were not assassinations?); because one State did not openly declare a bellicose relation (so it is not war?); Is it because they so shockingly disrupted daily life with their sudden unexpectedness, unlikely weapons, the absurd, terrible arbitrariness of who died (e.g., the Latina woman who clocks into her job and cannot opt to be late without losing pay, versus the guy who stopped for the bagel)? Is it terror because it is death enacted outside the law, without due process, without the weighing of evidence and procedural safeguards that themselves are such compelling stories? Is terror the opposite of law?

III. TERROR AND ANTHROPOLOGY

“Hated and feared, objects to be despised yet also of awe. . .these are just as clearly objects of cultural creation, the leaden keel of evil and mystery stabilizing the ship and course that is Western history. . .What sort of understanding—what sort of speech, writing, and construction of meaning by any mode—can deal with and subvert that?”

Michael Taussig²⁴

Anthropologists have had to deal with terror and its effects in their field-sites for a long time and have developed a sophisticated subfield addressing violence, epistemic murk, and the culture of terror, the “conjectured disorderly,

Kornbluh, *Chile Declassified: Newly Released Documents Reveal Close US Ties to the Pinochet Regime*, NATION, Aug. 9/16, 1999, at 21-24.

22. See Myers, *supra* note 21.

23. See INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, ORGANIZATION OF AMERICAN STATES, ANNUAL REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS ch. III (1997); see also Sister Dianna Ortiz, Remarks on Congressional Human Rights Caucus Briefing on Torture (June 25, 1998), available at <http://www.eecs.umich.edu/~pavr/harbury/archive/1998/062598.html>; *infra* note 38 and accompanying text. For other first person accounts of torture in Argentina during the 1970s, see JACOBO TIMERMAN, PRISONER WITHOUT A NAME, CELL WITHOUT A NUMBER (1982); ALICIA PORTNOY, THE LITTLE SCHOOL: TALES OF DISAPPEARANCE AND SURVIVAL IN ARGENTINA (1998). The relation of intimacy and distance is also powerfully depicted in the torture scene in THREE KINGS, a film set during the Persian Gulf War. The Iraqi soldier who torments the American soldier played by Mark Wahlberg learned his craft from the U.S. military and is a global pop culture encyclopedia, and he is as intimate with Wahlberg’s body as a lover, even as he uses terror and enacts exquisite pain on our hero. THREE KINGS (Warner Bros. 1999).

24. MICHAEL TAUSSIG, SHAMANISM, COLONIALISM, AND THE WILD MAN: A STUDY IN TERROR AND HEALING 9 (1987).

ephemeral, symptomatic, and anarchic character of the aggressive act.”²⁵ Or as Taussig says, an ethnography of “stringing out the nervous system one way toward hysteria, the other way numbing and apparent acceptance.”²⁶ The actual moments of terror acts—in the torture chamber, the massacre site, the interrogation room, the ground zero of a bombing, the hidden holding cells—are rarely available for participant observation. Instead, the after-effects in the material world and the psychic, emotional, personal and political realms are part of what we study. This has meant struggling with razor-sharp questions about methodology itself, the *relations* of self to other and of victim/survivor to witness and to victimizer. These intimate relations are also about difference, but where exactly does that difference lie?²⁷ Anthropologist Carlota McAllister, who has worked in one of the Guatemalan villages hardest hit by army counterinsurgency, tells a story about interviewing the army official (a Mayan woman) in charge of civil affairs in the occupied town.²⁸ When she asked the soldier about her work, McAllister found, to her horror, that the soldier used precisely the same methodology as the anthropologist (but spoke better Maya-K’iche’). She also won rapport by helping make tortillas and performed “deep hanging out” to better extract information about political sympathies, village history, and understandings of the war.

Anthropologists do not just study culture, we write it, and those of us who work on and near terror have had to confront the betrayals inherent in translating (traductor/traidor) embodied experience into the reified written form. Returning to the questions of feminist (or any politically engaged) anthropology: what ways of knowing are adequate? How do we question the sanctioned ignorance of everyday life? How do we tell a compelling story that makes sense of this world and works to change it (especially when terror seems intent on destroying sense)? This becomes especially important when anthropology mediates terror and the law, when ethnographic witnessing becomes the basis for juridical procedures.

I have tried to suggest that, like gender and terror, anthropology is a relation. One of its central tasks is relating or “carrying back” (from the Latin *referre*): telling a tale, bringing into logical association, connecting.²⁹ The field as a discipline is based in the (contested) assumption that it is possible to translate the experiences, life, understandings, and culture of others. There is a great epi-

25. ALLEN FELDMAN, *ETHNOGRAPHIC STATES OF EMERGENCY, FIELD WORK UNDER FIRE: CONTEMPORARY STUDIES OF VIOLENCE AND SURVIVAL* 224-25 (Carolyn Nordstrom & Antonius C.G.M. Robben eds., 1995).

26. MICHAEL TAUSSIG, *THE NERVOUS SYSTEM* 11 (1992).

27. “In the spaces of death, and even in low-intensity terror zones, the lenses of analytic and perceptual certitude are irrevocably torn. No person or method at this state in history can remove the Andalusian dog’s razor from the pierced eye of the historical witness.” FELDMAN, *supra* note 25, at 224-25. Elsewhere I have addressed the collapsing of these relations in Guatemala. DIANE M. NELSON, *Phantom Limbs and Invisible Hands: Bodies, Prosthetics, and Late Capitalist Identities*, 2001 *CULTURAL ANTHROPOLOGY* 303 (2001); DIANE M. NELSON, *Psycho-Killers and Final Girls: Horror’s Special Effects and Re/Membering in Guatemala’s Peace Processing Plant*, in *POPULAR CULTURE IN LATIN AMERICA* (working title) (Jeff Himpele & Rob Albro eds., forthcoming 2002).

28. Interview with Carlota McAllister, Anthropologist, Johns Hopkins University, in Guatemala City, Guatemala (July, 8 2000).

29. *AMERICAN HERITAGE DICTIONARY* (William Morris ed., 1970).

sode of *Star Trek: The Next Generation* in which the shipboard “Universal Translator” (that makes it seem like every alien species speaks English) does not work with a group of beings, the Children of Tama.³⁰ It turns out that they speak in metaphor, so one must know their entire context—history, myth, literature, etc.—to understand even the most basic sentences.³¹ This has been anthropology’s task, to carry back context, to make the strange familiar.

To some extent this is also the task of the law—to re-present the scene of the crime, to tell a compelling story about why it happened, who is guilty and who is innocent, and thus have a material effect on the world. After the speech act of sentencing, the murderer no longer enjoys impunity, the accusers no longer fear retribution. But what if these stories involve explaining (and thereby perhaps exonerating) “terrorists”? Alternatively, what if simply asking questions—making the everyday (and the power hierarchies embedded there) strange rather than familiar—means you are “against us?” What if you get too close (or too far)? What if the vacillations of the relations I am exploring here lead you yourself to be identified as a terrorist?

IV. ANTHROPOLOGY AND TERROR

“Why is this class so anti-American?”³²

Keeping in mind that the personal is political and that gender, anthropology, and terror are relations, not things, I would like to turn to the politically personal and my own close brush with relating to terror. I suggested above that feminist anthropology challenges ways of knowing, sanctioned ignorance, power hierarchies disguised as everyday life, and reveals their intimate relation to State policies. At the risk of telling a not-very-compelling coming-of-age story, I want to briefly describe some experiences of finding out that what seemed very distant was actually quite close. To play on Butler’s “girling of the girl” this might be the tale of becoming aware of the “gringo-ing of the gringa.”³³

I guess it all started with the October, 1983 U.S. invasion of Grenada. Like many young white middle-class Americans I enjoyed the privilege of being rather distant from world affairs, feeling pretty unconcerned with my shocking ignorance. Case in point: I was in Spain for a junior year abroad and could not figure out why the U.S. would be taking over a small city in Andalusia. Reading Spanish newspapers and learning from very patient Spanish friends and teach-

30. STAR TREK: THE NEXT GENERATION: DARMOK (Paramount Pictures 1996).

31. *Id.*

32. Student, lecture in the *Cultures and Politics of Latin America* class at Duke University (Oct. 2001).

33. Osbourne & Segal, *supra* note 3, at 67 (In Latin America gringo (masc.) is a disrespectful term for people from the U.S.—the closer you get to the Río Grande from Tierra del Fuego, the more disrespectful it becomes. Abigail Adams has subtly described how gringo (like a gender) is an identity formed in relation: a North American is not a gringo until he crosses the border into Latin America.) When I say “gringo-ing the gringa (fem.)” paralleling Butler’s “girling the girl,” I intend to highlight the process of identity-formation. See generally Abigail Adams, *Gringas, Ghouls and Guatemala: Hypogamy and Transnational Kinship in the post NAFTA World*, 4 JOURNAL OF LATIN AMERICAN ANTHROPOLOGY 41 (1998); see also NELSON, *supra* note 18, at 41-73 (discussing “Gringa Positioning, Vulnerable Bodies, and Fluidarity”).

ers began to change that. Most of them were enraged with what the U.S. was doing throughout Latin America—especially supporting the contras trying to overthrow the Sandinistas in Nicaragua, and financially and militarily propping up murderous regimes in El Salvador and Guatemala. I had not even known that the CIA had overthrown a democratically elected government in Guatemala in 1954, starting a cycle of military dictatorships and civil war that killed over 250,000 people, “disappeared” over 40,000, and displaced more than a million (out of a population of only 8 million) by 1985.³⁴ Something that had seemed far away suddenly started to seem close. While Spanish friends were very careful to differentiate between me as a U.S. citizen and the heinous actions of my government, they did hold me responsible to use the U.S.’s much vaunted democracy to do something about it.

For many gringos like myself, it is familiar to feel powerfully distant from the effects of U.S. foreign policy, a sanctioned ignorance that Ignacio Martin-Baró calls “official lies.”³⁵ Anthropology classes in Spain and the U.S. began to make that strange for me, throwing into question the “with us or against us” dichotomy of national identification. Is it more “American” to conform to or to question the legality and justice of government actions? Is it anti-American to relate alternative stories, to contextualize? As I did back then, my students now kick and scream against this estrangement. Acknowledging how personal the political is can be enormously uncomfortable. But of course, simply knowing that abuses occur is not enough to stop them, since compelling stories are often mobilized about the justice of these abuses. Alternative stories, backed by data “carried back” from the field, are often deployed through legal procedures to try to change this (from asylum cases to trials for crimes against humanity). A court summons is more compelling than most ethnographies. It was when I was given the chance to “carry back” such data that anthropology and terror (and later law), the personal and the political, became much more closely related.

After I finished my B.A. in anthropology, I leaped at the chance to go to Guatemala as a research assistant in a study on the refugee crisis. The worst violence of the civil war (1979 – 1983) seemed to have calmed down although there was still a military regime in place. The government’s counterinsurgency war combined mass murders, scorched earth and carefully calibrated assassination of leaders, often anyone with ties beyond the village. The Guatemala Scholars Network had called a boycott on research for fear that simply interviewing someone could get them killed.³⁶ In this context our team of North Americans was one of the first to go into the highlands to document the effects of the war.³⁷ My gringa-ness became much clearer to me as, through participant/observation, apparent distance suddenly got closer. I began to see how a certain form of global power, of hierarchical difference, was condensed into my phenotype, national identification, and accented Spanish. This difference allowed us to work in the highlands where no Guatemalan researchers could go,

34. MANZ, *supra* note 7, at 1-21 (The title, REFUGEES OF A HIDDEN WAR, refers to the lack of information in the US about the violence occurring in Guatemala.).

35. Ignacio Martin-Baró, *La Institucionalización de la Guerra*, address at the XXII Congreso Internacional de Psicología, Buenos Aires, Argentina (June 25, 1989).

36. BARBARA TEDLOCK, *TIME AND THE HIGHLAND MAYA* xiv (rev. ed., 1992).

37. See, e.g., MANZ, *supra* note 7.

in devastated villages and army compounds. It allowed us to talk our way into sealed “re-education centers” or pretend we were tourists and sneak into refugee camps in Chiapas, Mexico.

This is when I met the Guatemalan anthropologist Myrna Mack Chang. She taught me to be a field worker, when to be silent, how to win rapport, to never ever ask anyone how much land they have, since no one ever asks that question except to better steal it from them, and never to ask who had visited the holocaust on their family. In the climate of terror in 1985, no one, even in their own kitchen or off among the *milpa*’s stalks of corn would dare accuse the army. The world was full of spies and the slightest intimation of a “subversive” thought could get you killed. The city and the countryside were filled with mass graves and new bodies appeared all the time. Like the human rights activist and her children found dead near their smashed car, with the baby’s fingernails neatly pulled out. Like the peasant activists found with their mouths full of dirt—if you want land, here you go! Like the Jesuit priests (including Dr. Martin-Baró) in neighboring El Salvador with their brains—the “instruments of subversion”—removed and laid next to their shattered bodies. It would take years of struggle to get the proof of what everyone already knew—many of the killers were paid for, trained (many at Georgia’s School of the Americas), and partly ordered by (I do not want to totally drain agency from national oligarchs and militaries) the U.S. I did not know what was going on, but members of “my” government certainly did.³⁸

In 1985, Myrna was frantic to get out to the countryside and learn about what was going on: what the effects were on community, indigenous lifeways, and what the possibilities were for change. Cautioned by the murders of so many other scientists and intellectuals, it was impossible for her to go. So she carefully trained our two-women gringa team to do it for her and waited, jumpy, anticipating, full of questions and comments, when we would return soggy and exhausted from a month or so in the heavily garrisoned countryside. I felt close to her, we worked together, and I wanted to be just like her—so smart, a deeply committed anthropologist. But I was also distant. She was quietly enraged at our ignorance, at our privilege, at our governments that so brutally and blithely terrorized her from doing her work, and that sought to terrorize Guatemalans into giving up dreams that things could be different.

38. Dianna Ortiz, a nun from the U.S. working in Guatemala was kidnapped, raped, and tortured for days under the supervision of a North American man before she was able to escape. The military argued that the terror-marks on her body were the result of a lesbian S/M relationship. Jennifer Harbury’s pressure campaign, including hunger strikes and legal action, proved that Guatemalan Colonel Julio Alpirez, who murdered her husband and a North American innkeeper (among many others) was a CIA asset. See JENNIFER HARBURY, *SEARCHING FOR EVERADRDO: A STORY OF LOVE, WAR, AND THE CIA IN GUATEMALA* (2000). Harbury forced the U.S. government to acknowledge that it knew of her husband’s torture and death, despite years of denial. *Id.* This in turn led to one of the first-ever investigations into CIA abuses and created the puny restraints on its actions that are once again at risk in the wake of September 11, 2001. *Id.* The similar struggles of thousands of men and women led to President Clinton’s 1999 historic apology for U.S. aid and abettance in the Guatemalan genocide. *Id.*; see generally 2 MICHAEL MCCLINTOCK, *THE AMERICAN CONNECTION: STATE TERROR AND POPULAR RESISTANCE IN GUATEMALA*, (1985) (discussing U.S. support and aid to a “terror state” in Guatemala).

After that first research trip, I returned often. Myrna founded a research center (AVANCSO Asociación para el Avance de las Ciencias Sociales en Guatemala [Association for the Advancement of the Social Sciences in Guatemala]) and began doing fieldwork herself with those displaced by the war (known as the Communities of Population in Resistance).³⁹ Myrna, in many ways, was quite distant from these desperately poor, primarily indigenous people. The daughter of immigrants from mainland China, plantation owners, elites, as a girl she rode fine horses, played with other oligarch children, and got the best education. But she closed that distance by working tirelessly with and for them. Even when threats began to rain down, others were killed, and friends and family began to wonder if it were suicidal to keep going, she continued field work, writing, meeting, networking, lobbying, fund raising, speaking.

Distance remains but also collapses as I, a gringa anthropologist, participated and observed with Myrna, a Guatemalan anthropologist, participating and observing with the displaced, who in many ways are also anthropologists. Their survival as peasants and revolutionaries depended on an accurate analysis of power relations, class, race, gender identifications, and sophisticated thinking on how to change them. For this they were branded by the State as subversives, terrorists. When Myrna hiked in to interview them they were also survivors of State terror. Myrna, also branded a subversive, did not survive.

On September 10, 1990 I saw Myrna at my goodbye party before I got on a two-day bus ride to Mexico City. When I got there, friends told me she had been killed on September 11th. Knifed 27 times in her small, neat body, right in front of her research center. The authorities claimed it was a common crime although her wallet was still in her hand.

As I am sure so many people were doing right after “our” September 11th, I remember standing in the shower crying, just wishing it was the day before, that somehow this had not happened, that I could go back to before I knew this. As I am sure many people around the world, who have lost loved ones in this “war” also feel, I wanted everyone responsible to be savagely tortured before they were allowed to die. Fortunately, Myrna’s relative, her sister Helen Mack, is more dedicated to the rule of law.⁴⁰

39. AVANCSO, *Dónde Está el Futuro? Procesos de Reintegración en Comunidades de Retornados* (1992).

40. And more dedicated to the rule of law than the U.S. government has seemed to be. Remember, the Taliban offered to surrender Osama bin Laden as long as he was assured a fair trial, with a jury of his peers, consistent with Muslim law. Of course, by then the loins were girded, the war practically underway. See Douglas Frantz, *The Afghans: Taliban Say they Want to Negotiate with the US over bin Laden*, N.Y. TIMES, Oct. 3, 2001, at B1. As Kenneth Surin has pointed out, watching the Supreme Court judges appointed by Bush senior cheering the Bush junior they appointed (during his Congressional address on the war) might make one doubt the impartiality of U.S. justice. Kenneth Surin, Address at the Duke University Literature Department Teach-in (Oct., 2001). The denial of Geneva Convention rights to the prisoners in the Guantánamo base is another example of non-accordance with the rule of law. See Katharine Q. Seelye, *Captives: In Shift, Bush Says Geneva Rules Fit Taliban Captives*, N.Y. TIMES, Feb. 8, 2002, at A1.

V. RELATING TERROR, GENDER AND THE LAW

Before the assassination, Helen was pretty distant from Myrna's work. A successful business woman with close ties to the highest ranks of the government, she, like many privileged Guatemalans (and gringos), believed that anyone who was killed must have had it coming for "getting involved in stupid things." She says now that when Myrna was assassinated she realized that people she considered good friends had to have been involved. Helen trained herself in the law and became a tireless campaigner for legal redress for the crime. Even after a military commander aiding in the investigation was murdered in broad daylight in downtown Guatemala City, despite continuing threats and harassment, and with eleven judges withdrawing from the case because they were terrorized, she saw through to the trial and conviction of the Guatemalan army specialist who actually killed Myrna.⁴¹ Helen did not stop there. She continued to press for the trial of the "intellectual authors" of the crime, the military higher-ups (and evidence suggests it went all the way to the President) who ordered the assassination.⁴²

These are the people who knew Myrna with terrible intimacy. They surveilled her, listened to her phone calls,⁴³ read her mail, followed her research carefully (better than most dissertation advisors!), watched her child at play, knew her friends, lover, family—all the networks in which she was a node. They knew what she hoped for, dreamed of, perhaps better than her closest friends. When they stabbed her 27 times on September 11th, they sought to remove her from all that, to disrupt all the relations she made, all the knowledge she produced, all the questions she raised, all the de-familiarizing she did, all the networks and dreams of change. Her work led them to classify her as a terrorist and in turn, they tried to use her body as an instrument of terror, sending a message to everyone in her long skeins of relationality that "you are not safe," "resistance is futile," and "there is no alternative."

As when racists look at a body and say "I know what that body says" by its phenotype; as when the slip-sliding of gender is supposed to be held still by the sexed body; terror seeks to use bodies to send an unequivocal message. It wants to say, "make no mistake." But because race, gender, and terror are relations, not things, "mistakes" are made all the time as we look at bodies that "carry back" meaning. The very process of differentiation that terror tries to use as a tool—if you're not with us you're against us—is betrayed by the play of intimacy with distance. And therefore it can create refusal, difference. Because it is

41. In September 2001 two important milestones were reached: the Interamerican Court in Costa Rica agreed to hear the Mack case against the Guatemalan State and the in-country trial of the officers charged with ordering the assassination was set to begin. The latter was postponed after September 11. Terror tactics continue to dog everyone involved in the case, from the Mack family to associates of Myrna's research center. Case 10.636, Inter-Am. C.H.R. (March 5, 1996), available at <http://www.oas.org>; see also *Suspendido el juicio oral por tramitación de un nuevo recurso de amparo*, PRENSA LIBRE (Guatemala) (Oct. 24, 2001).

42. See Case 10.636, Inter-Am. C.H.R., *supra* note 41.

43. A joke told in Guatemala goes: when you tell a joke on the phone in Guatemala, three people laugh. Perhaps gringos should laugh carefully, given the current threats to our privacy and other rights contained in the "Patriotism" bill. See Adam Clymer, *The Legislation: Antiterrorism Bill Passes; U.S. Gets Expanded Powers*, N.Y. TIMES, Oct. 26, 2001, at A1.

a process not a thing, it is always slipping, movement is not uni-directional, meaning is not uni-dimensional. Women are ferocious, men are gentle; women stand firm, men flow and equivocate.⁴⁴

Ximena Bunster-Burotto has worked with survivors of State terror in Latin America and calls the military State the most perfect expression of machismo.⁴⁵ It actively differentiates the woman, the home, and the family (all sites of kin relationality) as sites separate from masculinity, the public, politics, in order to use that differentiation for terror.⁴⁶ It invades the home, destroys the family, penetrates the intimate spaces of the body through rape and torture, feminizes men's bodies and makes women feel like "whores." But these very same sites have become places of resistance to dictatorship. Helen Mack's family relations to Myrna made her an unwavering fighter for legal redress. Mothers, wives, and daughters of the disappeared throughout Guatemala, Chile, and Argentina (not to mention Eastern Europe, Chechnya, Sierra Leone, etc.) who wonder, just as New Yorkers did in September, with pictures of their missing, have shaken governments.⁴⁷ This is not because women are "naturally" or "essentially" more loving, more other-oriented, or more prone to use legal mechanisms rather than force to get their way. It is because they have been made that way through the relational processes of gender.⁴⁸ An unintended effect of gender differentiation, as in the relationality of terror, is that what is supposed to become a site of numbed, passive resistance, held in place by sanctioned ignorance or the nervous system of fear, turns into a site of resistance, of questioning, of challenge.⁴⁹

Helen's enormous efforts⁵⁰ have made Myrna's murder the central test case for the rule of law against terror in Guatemala. As Elizabeth Oglesby writes:

44. A gringo friend of mine tells how his high school football coach once brought to practice a gynecological spread from Penthouse and warned the boys that if they didn't work harder 'that' is what they would be. Rather than boying this boy by making him distance himself from "it", he embraced it, quit the team, explored his bi-sexuality, and later became a committed activist for global justice.

45. Ximena Bunster-Burotto, *Surviving Beyond Fear: Women and Torture in Latin America*, in *WOMEN AND CHANGE IN LATIN AMERICA* 229 (June Nash & Helen Safa eds., 1986).

46. *Id.* at 297-301; see also Jean Franco, *Killing Priests, Nuns, Women, Children*, in *ON SIGNS* 414 (Marshall Blonsky ed., 1985).

47. Marguerite Guzman Bouvard, *REVOLUTIONIZING MOTHERHOOD: THE MOTHERS OF THE PLAZA DE MAYO* 241-260 (1994); see also 4 *GUATEMALA MEMORIA DEL SILENCIO*, *supra* note 4, at 228-248; 5 *GUATEMALA MEMORIA DEL SILENCIO*, *supra* note 4, at 62-71; RIGOBERTA MENCHÚ TUM, *CROSSING BORDERS* 118-157 (Ann Wright trans., ed., 1998).

48. Of course, one is also made to be a warrior, willing to kill and die for an idea (patriotism, jihad) and accepting "collateral damage" as a part of the war, through similar processes. How different are the recent December 2001 CNN video scenes of Mr. Bin Laden "gloating" over the WTC attacks from images of stadiums full of U.S. citizens cheering the news of bombing Afghanistan on October 7, 2001?

49. I don't tell this tale to be maudlin or to say that my or Helen's grief is the same as those who lost loved ones on September 11 or throughout the months of the U.S. bombardment of Afghanistan. But many of those very people are refusing to read the bodies of their murdered loved ones as univocal, saying only one thing (let's kill some more). They ask for justice without creating more grief. They see that the difference between "them" and "us" may not be so clear cut. They are making personal tragedy political.

50. Accompanied by members of the Myrna Mack Foundation (created when Helen won the right Livelihood Award, also known as the alternative Nobel) and international solidarity.

Myrna Mack's assassination produced results that were in many ways the opposite of what her killers intended. Helen Mack's battle against military impunity attracted the attention of Guatemalan society, and as Guatemalans learned more about Myrna and her research, public concern for the victims of the war grew. Ironically, Myrna's death led to more concrete assistance for the displaced communities, a goal that had frustrated her during her fieldwork.⁵¹

Her work set the stage for one of most successful refugee-returns in history. In turn, anthropology relates to law as the AVANCSO study and the Mack legal case became essential parts of the two "truth commission" reports compiled in the late 1990s. These in turn are being used as evidence in court cases brought against those responsible for the Guatemalan genocide.

VI. RELATING TO TERROR

As I am sure you have noticed, I have vacillated in my use of the word "terror." In the stories I have been telling there are individuals identified by States as "terrorists,"⁵² but there are also terrorizing acts carried out by States. Myrna Mack was murdered by government officials.⁵³ Invoking her assassination on September 11, 1990 evokes another September 11, of 1973, when CIA-backed General Pinochet overthrew the democratic government of Salvador Allende in Chile, installing a terror regime.⁵⁴ As Ariel Dorfman reminds us:

I have been through this before. During the past 28 years, Sept. 11 has been a date of mourning, for me and millions of others, since that day in 1973 when death irrevocably entered our lives and changed us forever. . . [as] in the United States today, terror descended from the sky to destroy the symbols of national identity, the Palace of the Presidents in Santiago, the icons of financial and military power in New York and Washington.⁵⁵

Throughout the history of the late twentieth century most terror acts have been committed by States (and in many cases after 1953 those States were backed by the United States),⁵⁶ at the same time that those States represent le-

51. Oglesby, *supra* note 1, at 256; see also MYRNA, *supra* note 2.

52. Even the U.S. mainstream media has acknowledged the vacillations in this nomination. One person's terrorist is another's freedom fighter. Depending on how compelling the story and ferocious the struggle, the same person may one day be a terrorist and the next a head of State (Menchem Begin and Nelson Mandela are two recent examples).

53. See Case 10.636, Inter-Am. C.H.R., *supra* note 41.

54. See PETER KORNBLOH, CHILE AND THE UNITED STATE: DECLASSIFIED DOCUMENTS RELATED TO THE MILITARY COUP OF SEPTEMBER 11, 1973 (Nat'l Sec. Archive Briefing Book No. 8), available at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB8/nsaebb8i.htm> (last visited June 26, 2002).

55. Ariel Dorfman, *America Looks at Itself Through Humanity's Mirror*, L.A. TIMES, Sept. 21, 2001, at B15.

56. The list is very long and includes Iran, Guatemala, Indonesia, Zaire/Congo, Chile, Dominican Republic, Greece, Australia, Grenada, Panama, Iraq, Israel, Colombia, East Timor. The National Security Archive carries declassified information on most of these cases. See MALCOLM BYRNE, THE SECRET CIA HISTORY OF THE IRAN COUP, 1953 (Nat'l Sec. Archive Briefing Book No. 28, 2000), at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB28/index.html> (last visited June 26, 2002) (synthesizing and publishing various documents regarding clandestine CIA operations); KATE DOYLE, THE GUATEMALAN MILITARY: WHAT THE U.S. FILES REVEAL (Nat'l Sec. Archive Briefing Book No. 32, 2000), available at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB32/index.html> (last visited June 26, 2002); see also Press Release, National Security Archive, CIA Stalling State Depart-

gitimacy and the rule of law. The question “are you with us or against us?” again implodes. In all of those places (like in New York on September 11, 2001), bodies are used by terror (as they are used by sexism and racism) as a canvas, the clay, the material to form their message. Yet, as in gender and race relations, those very bodies have also been used to make contrary claims on those States, to challenge ways of knowing, sanctioned ignorance, power hierarchies disguised as everyday life. The law, like anthropology, or any ideological state apparatus, is a site and stake of struggle. It is an ambivalent tool akin to the cross (of the sword and cross of Spanish colonization) deployed to conquer and to resist. It is a relation of power, not a thing.

Terror may seem to be aimed at destroying sense, but most acts of terrorizing violence are very meaningful. But it is always a struggle to relate such acts to particular meanings, especially across hierarchized relations of difference. Myrna’s relation, as an anthropologist, to the poor, indigenous, displaced survivors, made a political situation personal through participant observation. This linked her to her relation, her sister Helen, who made a political act of assassination personal by dedicating her life to legally prosecuting the murderers. Helen also made a personal loss political by refusing the story that Myrna “deserved” to die because she had gotten involved in “stupid things.” Instead she told a compelling story in a court of law that resulted in the first ever trial and conviction of an army officer, thus opening the door to the possibility of trying hundreds of other cases.⁵⁷ She has made it possible for others to “bet on the future” as Ms. Menchú Tum said about Myrna, to struggle for the rule of law.⁵⁸ Terror can be made legal by the States that carry it out, and perfectly “legal” systems can enact serious terrorism (as on the U.S. African-American community). But the law can also be related to other compelling stories as, ethnographically, in court rooms and lawmakers’ chambers, testimony is rendered, political pressure is applied, transnational solidarity is enjoined, and power is recrafted from sources invariably impure.⁵⁹

On September 11, 1991, for one of the first times in over a decade, the streets of Guatemala City were full of marchers demanding an end to impunity. The National Cathedral was bursting with people commemorating Myrna’s as-

ment Histories: State Historians Conclude U.S. Passed Names Of Communists To Indonesian Army, Which Killed At Least 105,000 In 1965-66 (July 27, 2001), available at www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB52/.

57. In 2001, a Guatemalan court found military officers guilty of the murder of Bishop Juan Gerardi. David Gonzalez, *Guatemalan Court Sentences 3 Soldiers for 1998 Murder of Bishop*, N.Y. TIMES, June 9, 2001, at A3. In June 2001, the Center for Legal Action on Human Rights (CALDH -- Centro de Acción Legal de Derechos Humanos) submitted eight cases against military officers for acts of genocide carried out in 1982 and 1983. See Dep’t for Justice & Reconciliation, Center for Human Rights Legal Action, *The Legal Complaint Against the Military High Command of Rios Montt*, at <http://www.justiceforgenocide.org/riosmontt.html> (last visited May 6, 2002).

58. MYRNA, *supra* note 2, at 23.

59. Thus the move to sidestep this slippery mobile aspect of the law in President Bush and Attorney General Ashcroft’s attempts to use off-shore military tribunals, suspension of habeas corpus, use of secret evidence, etc. I don’t mean to sound reassuring and liberal here, that the checks and balances built in to the system work, so not to worry. These are brutal struggles with deadly stakes. “Miniscule changes occur at such “low intensity” rate, while the social costs are inordinately high.” Oglesby, *supra* note 1, at 254. The enemy has not ceased to be victorious. *Id.*

sassination and, by relation, the hundreds of thousands of lives lost to government counterinsurgency. The poster made for the day focuses on relations. It resists sanctioned ignorance but also brilliantly plays with perspective and point of view. At the top against a background of bricks, it says: "We are breaking down the wall of impunity." In the midst of the bricks is a space, smashed open, and through it we see blue skies and Myrna, smiling, her hand reaching out to us. The names of people and communities killed, tortured, or massacred by the army are on the surrounding bricks. But as we look again, our perspective slips and we see that there is a body, a man's suit, black shoes, a knife in one hand, and we see that we are in the place of his head, looking down at the cobblestones of the sidewalk where she was murdered. We are placed in the position of the victimizer. As with the United States' September 11th, we must break the wall of sanctioned ignorance and acknowledge the intimate relations that collapse the apparent binaries of victim and victimizer; with us or against us.