



War in the eyes of a woman

Although war has been mainly told by men, the truth is that this is not the only vision that should be acknowledged by law and history. Lawyer Alma Beltrán y Puga highlights the need to give a voice to female ex-combatants in transitional justice bodies.

By Amira Abultaif Kadamani
Photos Ximena Serrano Milagro Castro,
Alberto Sierra, Juan Ramírez
DOI https://doi.org/10.12804/dvcn.10336.36049_num6

Although the XY and XX combinations are fundamental for genetics, they are not for our own perception, for life in society, and for the history told thereof. Male history has been prevalent for centuries, especially in the public area, and has relegated the female history of facts and lives to the land of intimate memory and to the strictly family-related or micro-community environments.

War has been the natural scene for this reality. To counterbalance this situation, the academic research by Mexican lawyer [Alma Beltrán y Puga](#) has contributed to the debate on the intersections and disagreements of war, law, and gender.

From this dedication, her most recent paper, [La guerra sí tiene rostro de mujer](#) (War Does Have a Woman's Face), an es-



"Women have also battled at war or have been victims thereof, but their stories are not commonly found in the official narrative."

say in which Beltrán y Puga (who has been a professor at the School of Law at Universidad del Rosario for the past seven years) analyzes the work by writer [Svetlana Aleksievich](#) to help understand the narrative of war from the experience of women. The acclaimed Belarussian writer, winner of the [2015 Nobel Prize in Literature](#), interviewed dozens of female Soviet veterans from the Second World War and gathered their memoirs in [War Does Not Have a Woman's Face](#) (1983).

The work of Beltrán y Puga is part of the book [Abogados de ficción: libros que hablan del derecho y el derecho en la literatura \(Fictional Lawyers: Books on Law and Law in Literature\)](#), a collection of texts by academists from Rosario with the aim of approaching literature to explore how it can propose tools to understand the legal phenomena. The literary stories assessed with a legal perspective “are useful to exemplify concepts or legal terms or to delve and debate on the relationship between legal and literary matters,” as summarized in the book edited by [Lina Céspedes](#) and Ana María Ferreira.

This interview with Beltrán y Puga is within this reference framework. She is a feminist interested in building bridges between transitional law and the victims—specifically, women and diverse gender collectives—whose war stories oftentimes lose sense and humanity when translated by the law. Hence, synergies may be created between law and literature to achieve narratives that go beyond just enriching law enforcement by adding other elements for making decisions (such as aggravating and mitigating facts) to understand situations that, in spite of not being typified as crimes, can initiate a discussion.

Advances in Science (AS): In your opinion, gender is a useful category for transitional justice. Why?

Alma Beltrán y Puga (ABP): Gender speaks about social roles played by men, women, and non-binary people (including LBGTIQ+ people). It includes all social mandates we find in culture and that shape the characteristics and activities understood as “masculine” or “feminine.” Many of those mandates are normative, stereotypes that become ingrained not only within culture but also within law. Gender is a useful category to analyze how these roles are shown in the narratives within justice bodies. Alexievich’s conclusion is that war told by female ex-combatants is told in a different way, and that amid this dire task, there are other daily survival tasks, landscapes, and feelings usually hidden in the official history of conflicts.



↑
“In Latin America, there is a trend for legislation, particularly criminal legislation, to be specific in its content. Thus, we not only have sexual violence as a crime but also have feminicides.”

(AS): Is law manifested differently regarding gender?

(ABP): Yes, because it is a way to regulate our social behaviors. Legislation and codes prescribe human behavior. For example, a civil code may define marriage as an affective union between a man and a woman, thereby excluding LBGTIQ+ people. When legislation includes gender matters or social roles within the normative and prescriptive mandates, we have problems because legislations try to regulate the general behavior of a society. It turns out that society is very diverse. Thus, the law must provide general mandates that acknowledge the differences between people and do not reinforce discrimination.

(AS): By having a gender approach, wouldn't one actually be biased?

(ABP): We can think that instead of a bias, it is a claim of the invisible stories of women in war, untold because the bias has always been male. What we think of as a “gender bias” is actually

a consideration of how there has been a hegemonic male construction of—in this case—war, which has always been understood as an act of male bravery where there are battles, heroes, characters fighting in combat, but who do not seem to experience ordinary life that would actually make them human. It seems that war is only a butchery where men are the great characters in the history of humankind. What gender tries to do is to rescue the stories hidden by this official narrative that portrays a certain—male—way to understand war.

(AS): So, masculinity represents a bias and femininity represents a claim?

(ABP): Yes, because the story has always been told from the same hegemonic version, built upon the rather exclusionary masculine look. Women have also participated in wars, either battling or becoming victims, but their stories are generally absent from the official narrative.

(AS): How do you understand feminism?

(ABP): It is the practice and policy that makes us think how to build a more egalitarian world, and that implies fostering uncomfortable conversations focused on the question by oppression. It is a way to transform these hegemonic and exclusionary visions. Feminism first questions and then proposes other ways to understand the world. The idea is to realize exactly where these biases are. In the case of war, it is necessary to include the female stories of victims and female ex-combatants.

(AS): The texts telling these stories usually focus on sexual violence. Is this all the scope of a gender narrative?

(ABP): The text I wrote is related to sexual violence because it happens in a disproportionate way towards women. It is one of the main expressions of gender violence in armed conflicts, maybe the most shown in transitional justice bodies, and the most documented expression. In fact, in Colombia, the Jurisdicción Especial para la Paz (JEP, Special Jurisdiction for Peace) is wondering whether to open a macrocase of sexual violence. But this is not the only war crime against women—there's also forced displacement, land dispossession, disappearance, forced sexual work, and torture.

(AS): What is a macrocase?

(ABP): As the history of the Colombian conflict is rather long, each case cannot be specif-



“There is a big discussion on whether we need specific laws that show issues pertaining to women or other groups that have been historically discriminated. The answer of the feminist movement was positive, and this is why sexual violence appears as a war crime in the Rome Statute, which gives competence to the International Criminal Court.”
Alma Beltrán y Puga



ically addressed. So, what we do is to find an iconic case that reflects the patterns of systematic violence of most of these cases. The iconic cases end up in international courts, as happened with [Jineth Bedoya](#)'s, a Colombian journalist who was kidnapped, tortured, and sexually assaulted by paramilitaries when working on an interview at the Cárcel La Modelo in Bogotá. Sexual violence has always been around transitional justice, and this is why I talk about it in particular, but it is not the only crime against women. There is a lot of feminist criticism about this being the only story. It has been the focus on gender applied to The Truth Commission, and this is rather questionable.

(AS): How convenient is it to create gendered crime classifications to generate equity and reconciliation?

(ABP): There is a big discussion on whether we need specific laws that show issues pertaining to women or other groups that have been historically discriminated. The answer of the



feminist movement was positive, and this is why sexual violence appears as a war crime in the [Rome Statute](#), which gives competence to the International Criminal Court. In Latin America, there is a trend for legislation, particularly criminal legislation, to be specific in its content. Thus, we not only have sexual violence as a crime but also have feminicides.

(AS): Gabriel García Márquez said that “Life is not what you lived, but what you remember, and how you remember to tell it.” How legitimate and legal is it to appeal to memory to find truth and make amends?

(ABP): When one reminisces, one relives the memories, and according to psychoanalysis, this is a way to also open up the subconscious to explore traumas. Memory has this lumi-

A highlighted truth

Listening to a war testimonial and giving it a voice is the first step to dignify the person who tells it. It also opens a social space to ponder upon what happened and prevent their drama from repeating. With this commendable intention in mind, thousands of victims and aggressors of war in Colombia were heard. Among them, women, diverse-gender collectives and ethnic communities received a special treatment, as evidenced by the recently published final report from the *Comisión de la Verdad* (Truth Commission), a non-judicial body created in 2017 in the context of the Peace Agreement between the Colombian government and the Farc-EP to contribute to the clarification of facts, promote the acknowledgement of people hurt, and foster a peaceful coexistence in the territories involved.

Of the several volumes of the report, two are exclusively dedicated to telling the conflict from the logic and vision of these population groups. Why? “Because although the ethnic and gender approaches are ingrained throughout the whole research work, it was of utmost importance to amplify their voices before the need to build a more equal and reconciled society,” explains Karim Ganem Maloof, publishing director of the report.

The lawyer and journalist, together with a 30-people team, was responsible for the narrative synchrony, providing style and register guidelines and supporting the construction of “the biggest non-fiction work of the last century in Colombia: a great document that, in spite of its niche nature, would attract the widest public possible through moving, flowing, seductive, true in-context and well-argued narrations.”

For this, he called experienced journalists, novelists, publishers, specialists in historiography, politics, and social sciences and based the work on methodologies and tools from both literature and journalism. “We appealed to data verification, to information triangulation, to the inclusion of multiple voices and to the capacity to build scenes, characters and narratives to create texts that are lovingly charming to read even though they are telling atrocious stories; that is the paradox of good writing.”

It should be noted that, although literary strategies were used, no story in the work was a product of their imagination—rather, it is the collection of several stories told gracefully to build a truth that, incidentally, is not juridical (for it to be, it should be subjected to judicial expertise) and is not used as evidence within the processes initiated at the *Jurisdicción Especial para la Paz* (JEP).

“We know that memory is gruesome, fallible, changing, and interpretative, and that emotions give it an inherent difficulty when compiling these stories. Actually, this is why, within our report, we have not included attributions of responsibility that point towards certain people. However, thanks to the synergy of the particular cases, we could create explanatory contexts to present a solid and robust story about the 60 years of conflict in our country.”



nosity that is like a chiaroscuro—the memory will not be reliable, but it will capture lights and shadows. Then, the question is how truth commissions can enable people to tell these traumas without becoming a victim again.

(AS): Given that emotions are the main characters of human life, how does law translate these stories into juridical processes that can turn into sentences, knowing that they are rather permeated by these emotions that veil facts?

(ABP): Making a complaint and entering a lawful process means legalizing a story that will acquire a legal character. Because of this, to deal with people's emotions, the law requires evidence. Testimonials from victims are an important part of the evidence, but there are surveys and other testimonials from

people close to those stories to check versions. The law has a level of emotion verification, which is why there is a "juridical truth." Beyond retribution (a penalty in which someone receives a punishment), transitional justice aims to restore social links and that includes emotional links. I criticize the way law is taught because lawyers are trained to listen to the stories, translate them into a lawsuit and argue based on juridical texts but not to tell stories. Transitional justice is about telling atrocious stories and giving them a juridical framework.

(AS): One thing is to use narrative tools to create literature, but a different thing is to use fiction and translate them into facts to be trialed. Isn't that walking on a very dangerous line, when we talk about people that will be guilty of or exonerated from crimes?

(ABP): My point is that literature provides tools to build a narrative that faithfully tells facts. Literature opens the mind and the imagination for a person to have methodological tools to face the real world.



Alma Beltrán y Puga, professor at the Facultad de Jurisprudencia (Faculty of Law), feminist and interested in building bridges between transitional law and the victims.



(AS): In your essay, you say that “Transitional Justice Courts, being collegiate bodies, usually involve negotiations between what is subject to justice and what is not.” Why can’t we at least tell those facts that are not subject to justice?

(ABP): Transitional justice has several aims: truth, justice, and reparation. But they end up being negotiable among each other because if you want people to acknowledge responsibility over certain facts and tell the truth, you will need to re-elaborate the concept of justice to impose restoring sanctions that imply a dialogue between the victims and those who violated their human rights, as happens in Colombia. If responsibility is accepted, instead of going to prison, these sanctions are imposed to restore the social network. For some people, this is not justice.

(AS): What is the sense of war for women?

(ABP): Regarding the stories from female ex-combatants, war is an inhumane task that transforms the person that performs it: atrocity brings about emotional and psychical transforma-

tion. What women say is “I never thought I could do it, yet I did it.” It’s a context in which we are de-humanized, and we have to make moral decisions that we wouldn’t need to make in a regular situation.

They never speak about who won the war and who lost it or about the most important event. They say that it is a struggle not to be de-humanized in the process.

(AS): And couldn’t we apply this to men as well?

(ABP): Yes, but men have not told those stories yet. They haven’t unearthed them because of the cultural constructions on masculinity based on strength and courage. If you ask them what the war meant, they will likely tell you about their victories and defeats, how many people they killed, and the atrocities they committed but not about how they felt while they were doing that.

(AS): Are there women who truly want to go to war and are attracted by war roles?

(ABP): There surely are, and in that case, they are women with bigger problems to be included and be promoted because it has always been a very masculine world: a woman saying she wants to become a soldier is a strange thing for our current society. ■