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Inequality, Normative Violence and Livable Life: Judith Butler and Peruvian Reality¹

Jelke Boesten

Despite the ascent to power of several high profile women throughout Latin America and the Caribbean many indicators show that women still suffer from high levels of gender inequality. In Peru, women occupy 21.5 per cent of parliamentary seats (UNDP 2013), and have been very visible, some in high profile positions, within municipal, regional and national government since the 1990s. A quota system obliges political parties to include to reserve 30 percent of their electoral lists to women, and since 1996, a women's machinery within government addresses (some) issues related to women's vulnerability, if arguably not equality. Indeed, improvement in representation has not solved some of the major ills of gender inequality: violence against women, including rape, continues to be appallingly high, reproductive and sexual rights and health are still contested, and the labor market continues to favor men.² How can we understand women's increasing representation and visibility in politics parallel to continuing high levels of gender-based violence and the opposition to abortion?

Of course, the problems of the majority of the population are, by definition, not necessarily the problems of the minority that might have access to political positions. Peruvian feminisms, as most Latin American feminisms, have always had difficulty dealing with the intersectionality of women's oppression, and privileged middle class women are not always capable of including in their political projects perspectives of less fortunate women and their struggles.³ Divisions grounded in race, class and gender

¹ I thank Paulo Drinot for inviting me on this project, and commenting on earlier versions. Reading group mates Polly Wilding, Bina Fernandez and Gabrielle Lynch provided valuable comments on an earlier version of this paper, for which I am grateful. Thanks also for the comments of an anonymous reviewer. The usual caveats apply.

² Less women are employed, more women work in the informal sector, and there is a significant pay gap between the sexes. For employment data, see the National Institute of Statistics, INEI:

<http://www.inei.gob.pe/estadisticas/indice-tematico/ocupacion-y-vivienda/>

Fertility rates have gone down dramatically since the 1990s due to an aggressive sterilization programme, but abortion is still illegal, and some modern contraceptives are very difficult to obtain, especially in rural areas. Sexual violence is rife (e.g. Cáceres 2005), and adolescent pregnancy high: 13.2 % of all young women between 15 and 19 was a mother or pregnant with a first child in 2012 (ENDES 2012). A recent study shows that Peru is probably one of the countries with highest rates of sexual violence, but especially with an increase in the reporting of such violence. Research shows that young women (<18) are most vulnerable to sexual violence (Mujica 2011), although sexual violence in marriage is unaccounted for. The National Demographic and Family Health Survey (ENDES) of 2012 indicates that 37.2 % of women in relationships ever experienced physical and/or sexual violence, but the last independent large scale survey, from 2002 (Guézmes, Palomino and Ramos), shows much higher figures: 51 % of urban (Lima) and 69 of rural (Cusco area) women experienced physical and/or sexual violence. The data is not solid enough to claim that Intimate Partner Violence (IPV) has gone down between 2002 and 2012, despite the significant distance in percentages between the two sources. Violence against women is notoriously difficult to measure, but every indicator suggests that it affects large parts of the female population.

³ On the tensions and gaps between political women, middle class feminists, and organized poor women

form a barrier to political solidarity, and thus undermine the assumption that more women in power equals more political attention for feminist issues and issues specifically relevant to poor women. But the persistence of gender inequality in the every day is too complex to explain only through politics, and cannot be blamed on a handful of successful women in politics. Instead, we will need to look at the institutionalization of inequalities and the naturalization of understandings of difference.

Intersecting inequalities grounded in perceptions of race, gender, and class feed into and underpin broader economic, social and political inequality. This inequality is often analyzed in terms of structural violence, referring to the institutionalization of inequalities that excludes people from meeting basic needs, and the violence and detrimental outcomes that emerges from that inequality (Galtung 1969, TRC 2003, Boesten 2010). The Peruvian Truth and Reconciliation Committee certainly emphasized the importance of structures of inequality as the main underlying cause to the fractures in Peruvian society. As Paulo Drinot observes in the introduction to this book, there is much focus on the institutionalization of these inequalities, and an emerging body of research focuses specifically on the development of institutions and the entrenchment of exclusion and marginalization (Drinot 2006, Ewig 2010, Oliart 2011a, 2011b, Thorp and Paredes 2010). Using Judith Butler's notion of normative violence as a subtle, but no less effective, additional layer to the analysis of intersecting inequalities and violence in Peru, I intend to show how the every day interaction between people leads to a naturalization of inequalities, i.e., racism and sexism justify the different treatment of people, and thereby, reproduce socio-economic difference.

So while structural violence reinforces institutionalized inequality and vice versa, *normative* violence refers to the process of naturalizing this same inequality. Analyzing the violence of norms in the Peruvian context shows how moral codes perceived as true, natural and obvious, put people into boxes that are reflective of the control of social behavior, but also of constraints put on the body in terms of race, class and gender. The abstract notions of structural and normative violence provide the backdrop and condition for physical violence upon bodies, as well as for the tolerance for, or invisibility of, this violence and its victims. Although Judith Butler has received quite some resistance from some adversaries because of her abstract theorizing and obscure use of language, and was accused of blindness to the 'the real situation of real women' to be called a feminist, there is an applicability to Butler's work that is perhaps not always recognized. Thus, after briefly explaining her thinking with regard to normative violence and livable life, followed by an exploration of how these notions apply to a gendered reading of violence in Peru⁴, I point at the undeniable political relevance of Butler's theorizing in the conclusion, and how we can use her contribution to theory to think about social transformation in Peru.

Butler's thinking

'What, given the contemporary order of being, can I be?'

in Latin America, see: Saporta Sternbach et al. (1992), Craske (1999, 2000), Alvarez et al. (2003), and on Peru: Vargas (1991, 2004), and Lievesley (1996).

⁴ This draws on my own work on gender and violence, as discussed in Boesten (2006, 2007, 2008, 2009, 2010a, 2010b, 2010c, and 2014).

Gender norms and the boundaries of being

In *Gender Trouble* (1990), Butler's most famous and groundbreaking book, Butler problematizes the assumption that gender reflects natural sex differences. She turns the sequence around and proposes that perhaps sex difference is the result of constructed gender difference. In doing so, she does not deny physical difference, but she suggests that the interpretation of physical difference, and the social and political consequences of that interpretation, frame the lives that we can live. Thus, by holding on to sex as a male/female binary, a gender binary of masculinity and femininity is reproduced and vice versa, even if diversity in sexuality is recognized. Butler wants us to question that which we take for granted, what we think is 'truth'; namely, the existence of two different sexes that lead to gender identity, as the order of being.

The term 'gender' was popularized by early second wave feminists to distinguish between biological sex difference (male and female) and the socio-cultural meaning of gender (masculinity and femininity) (Oakley 1972). Gender helped denaturalize difference between men and women and was fundamental in unpacking social and political inequalities. While the distinction between sex and gender seems established now and reflects how 'gender' is most likely to be explained to the novice, the idea that bodily differences, i.e. sex, are shaped by society and culture is less broadly accepted. Ann Oakley, in her 1972 book *Sex, Gender and Society*, argued that sex is formed in interaction with society, as did Anne Fausto-Sterling in *Myths of Gender. Biological Theories about Women and Men* in 1985. Hence, Butler's 'troubling' of our understanding of sex and gender as social constructions was in itself not entirely new. However, her deconstructionist approach to the binary sex/gender helped show how we are constrained by, and confined in, the idea of male and female bodies. She argues that gender, sex and sexuality are performed repetitively and become naturalized. Looking at drag as an example of gender performativity (and parody), Butler argues that the binary of male/female and femininity/masculinity is thus reproduced in sexualities that do not conform to heteronormativity. Butler argues that the naturalization of sex feeds into the possibilities of gender and sexuality as prescribed by society, i.e., limiting 'what one can be' to a gender performance that society can understand. Drag, then, is not necessarily but only potentially subversive of heteronormativity (Butler 1993, chapter 8, Lloyd 2008, 68). Butler seems to suggest that the proliferation of genders helps to denaturalize heterosexuality, but 'this denaturalization is no guarantee that heteronormativity will be weakened thereby' (Lloyd 2008, p67).

With Foucault, Butler argues that what is seen as general truth, as common knowledge, is instead naturalized through the workings of power. Whereas Foucault applied such thinking to notions of madness, crime, and sex, Butler takes it still a step further: she questions the fundamentals of social relations by questioning the naturalizing effect of the discourse and practice surrounding our bodies. She forces us to question the 'natural, the original and the inevitable' (Chambers and Carver 2008, p22). In effect Butler argues that the 'truth' about gender, and our sexed bodies, is a result of the workings of power and the claim to knowledge. Historical and cultural processes expressed in institutions, discourse and practice have a naturalizing effect on our understanding of the order of things, including our understanding of male and female, and of heteronormativity. This means that, in Butler's view, heteronormativity, gender difference, and importantly, sex difference are not natural or authentic, but rather, are

constructs that are produced and maintained through the workings of power in societies. Institutions, discourses and practices together form, reproduce and express the norms, which guide our societies. In Foucaultian terms, power is not vested in a small group of leaders, but is a productive process in which we take part; hence, instead of gender being a given from nature as a result of sex difference, gender identities are acted out, or performed.

In *Undoing Gender* (2004a), Butler builds on her previous work to show how norms provide the framework that guide life. Butler takes a Foucaultian biopolitical view to argue that rules, regulations, and norms set out the possibilities of physical and social life. Norms are not necessarily enabling, they also restrict the possibilities of how life can be lived. She refers to the ‘norms and conventions that permit people to breathe, to desire, to love and to live, and those norms and conventions that restrict or eviscerate the conditions of life itself. Sometimes norms function both ways at once, and sometimes they function one way for a given group and another way for another group’ (p8). The norm is the implicit standard of *normalization*, i.e., of the process whereby the norm ‘is acted out in social practice and re-idealized and reinstated in and through the daily social rituals of bodily life’ (p48). While norms may be set in law (inheritance law, marriage, paternity etc), or in formal but not legislated rules and regulations (statutes, customary law), they do not have to be. Norms are owned, reproduced, and maintained by society, not necessarily by the state or even a bureaucratic power. Following Foucault, Butler asserts that norms are reproduced by ‘regulative discourses’ (Foucault 1975), and the productive power of repetitive performance.

Thus, like Joan Scott (1986), Butler argues that gender is a historical category, a construct that is in constant flux (2004a pp. 9-10). Gender is being made and remade. Cultural differences and historical changes in gender norms testify to such dynamics. Looking closely at the workings of gender in one society shows that gender norms differ according to cultural and ethnic groupings. This does not (only) mean that gender practices may be different among, for example, the Amazonian indigenous as compared to coastal mestizos, but that society ascribes naturalized interpretations of sexed bodies to gendered (and racialized) bodies. In other words, society may attribute differentiated sexual behaviors and possibilities to certain populations based on assumptions of gender and race. These interpretations are framed by norms and conventions that are commonly understood as truthful, and in certain instances, or at certain moments in time, set in law. In general, such differentiations serve to create and maintain hierarchies; they serve political purposes.

Such an argument undermines the idea of a feminism based on ‘sisterhood’, since differences among women, and among men, may be just as great as between men and women –as we so clearly see in the case of Peru, and Latin America more broadly. By questioning the binary male/female as the basis of power struggle, Butler allows us to look at how other identity markers such as sexuality, race, ethnicity, and class, frame gender identity and the norms according to which groups of people are allowed to live. As Chambers and Carver point out, Butler shows how foundational categories are ‘productions that create the effect of the natural, the original, the inevitable, precisely because these discourses constantly figure in important strategies that both produce and deploy political power’ (p. 36). Although Butler does not really look at race and ethnicity but at sexuality and gender, her work on norms, normative violence, and particularly, grievability, does allow for their inclusion in a broader theory of

normativity and precarity. A further look at Butler's understanding of normative violence and the grievability of life, both in the context of gender and sexuality as discussed in *Undoing Gender*, as well as in the context of post 9/11 politics, especially as discussed in *Precarious Life* (2004) will help to establish the framework from which we can analyze inequality and violence in Peru.

Liveable life and the boundaries of being

The concept 'normative violence' follows from Butler's analysis of the power of norms to enable and restrict life. If norms tell us what we can and cannot do at the most personal and intimate level of life –sexuality, love, desire, and, I would add, ambitions–they produce violence upon those bodies that break the norm. Normative violence imposes what one can be, excluding those who –or, more importantly, those behaviors that– do not conform. Those who do not conform become, in Butler's words, 'unintelligible', nonexistent, unless they adapt to the norm. Her most stark example of the unintelligibility of non-conformity is the intersexed body: the politics towards intersexuality has been to adapt the body surgically in order to make sure such bodies conform to a sex norm that is intelligible according to the current gender norms with often devastating results for the individuals involved (2004a pp. 59-65). Intersexuality, in Butler's view, is not a medical or physical problem, but a social problem that is violently policed.

Normative violence is the violence of the norm, i.e., it is not physical violence per se (just as structural violence does not have to refer to physical violence). The norm produces violence by not allowing people to be what they desire to be in the most fundamental aspects of life; hence, it is violence by restriction. However, resistance to normative violence may result in actual physical violence –gay bashing being an obvious example–, violence against women, and the reasons men often give for such violence, is another example. Butler thus argues that it is normative violence which makes physical violence possible, and simultaneously invisible. Invisible violence is violence that is socially not understood as violence because of its normalization; it is tolerated and normalized because it is perpetrated in response to social transgressions.

The boundaries of being and the way they are imposed through social practice produce the 'parameters of personhood', they 'make persons according to abstract norms that at once condition and exceed the lives they make and break' (2004a p56). Butler judges that these boundaries of being make certain lives 'unlivable', e.g., gay lives, or divorced lives, or intersexed lives –depending on where one is and in which normative era–, because they are not recognized by society. Hence, a gay person who is not allowed to live as gay is denied being. If one breaks out of the normative framework that imposes the boundaries of being, physical violence may be the result. Alternatively, breaking the norms may prove subversive, potentially transforming notions of the naturalness of imposed boundaries of being.⁵ The limitation of what one can be, in Butlerian terms, creates unintelligible life, and thereby, undone lives. In the every day, it creates much suffering for those who cannot conform to the norms, who are excluded by recognized society, or whose bodies are violated on a daily basis. This is what Butler questions as the 'livability of life': a valid question with very practical and political applications, as we will see.

⁵ Butler's use of the term subversion is ubiquitous, but little explained. A good discussion of Butler and subversion can be found in Chambers and Carver (2008) pp. 137-157, and Lloyd (2008), pp. 49-77.

Butler in Peru

The norms that guide understandings of sex, and the performance of gender, and which outline the contours of what one can be –and thus also what one cannot be– are profoundly differential in Peru. The Peruvian case shows that questions of sex and gender are not singularly about sex or gender, but also about race and class. The question of gender, given the contemporary ‘order of being’, is not necessarily a question of masculinity or femininity, as perceptions of gender differ according to the group in which one is born and raised. As Butler argues, one lives when one is rendered intelligible by others, when one is recognized by wider society; we exist in a relational capacity. The relationality of life is the basis of any normative framework through which the parameters within which our life becomes intelligible are defined.

But there is not one normative framework that frames all: rather, there are different norms for different people according to the nature of the relationship of interdependence. Hence, the norms that guide gender identity within indigenous rural communities, or within the educated criollo middle classes can differ substantially. For example, anthropologists have long studied the idea of complementary gender relations in Andean society, in which roles are different but equal, i.e., not based on a differentiation in power or value (e.g. Harris 1978). Although the suggestion of equality within gender complementarity has been widely criticized (e.g. De la Cadena 1991, Barrig 2001), the discussion itself indicates that gender roles are differentiated by different cultural settings. Hence, the gendered normative framework for women and men in the Andean highlands differ from those in middle class Lima, poor urban settings, or the Amazon region. Minor or major differences may occur between communities, ethnic groups, geographical areas, religious groups and or moments in time.

But norms that guide gender roles are not only differentiated by, or evolve within, groups. They are differentiated within and evolve between groups according to other hierarchies based on race, ethnicity and class. As Marisol de la Cadena shows (1991, 2000), meanings of gender and ethnicity are differentiated by the relational and situational interplay between them. This means that one’s status and role depends on context: an indigenous man may be of high status in his own community, but of low status in an urban mestizo setting and so on. While these contextual understandings of hierarchical relations based on class are relatively easy to identify, the finer nuances of gender, and how they intersect with race and class, are less obvious. These finer differences make it difficult, if not impossible, to speak of a gender binary guided by one –or even various- set(s) of norms.

Race, sex, and violence

Butler’s question, ‘What, given the contemporary order of being, can I be?’ is therefore useful. We can use this question as a way to help us reflect on the contemporary and situated normative frameworks that set the boundaries of being. As I suggested above, this is not only a normative framework situated in place and time, but it is *relational*. Hence, ‘what one can be’ depends on the relational context. The normative framework for such an understanding of gender in the case of Peru is racialized sexuality.

Racialised sexuality, i.e., how perceptions of race determine vulnerability to sexual violence and abuse, understandings of sexual availability and legitimacy, understandings of and attitudes to reproduction and miscegenation, and to a great extent, levels of sexual autonomy, is essential in the naturalization of race and gender as markers of social division, including the reproduction of heteronormativity and social class. The history of the perceived sexual ‘availability’ and resulting abuse of ‘cholas’ working in whiter and richer households and land holdings is strongly racialized, and naturalizes both race and gender as markers of socio-economic difference, privilege and marginality, while also confirming a heteronormative masculinity that emasculates and/or punishes the mestizo-Indian population, or ‘cholos’. The widespread use of rape perpetrated by the armed forces in the counterinsurgency against Shining Path (1980-2000) (TRC 2003)⁶, also indicates the role of racialized sexuality in both legitimizing rape as well as in actively producing and perpetuating gendered and racial hierarchies among soldiers and between armed forces and the general population. The different racial categories understood by most, if not all, Peruvians, link physical attributes such as color of skin and eyes, height and hair, to geographical provenance, levels of education, use of language, use of dress and consumption, labeling people in order to determine one’s own position and thus, attitude towards the person in front. This assessment of the ‘other’ frequently includes an assessment of the possibility of violence in such an encounter. Returning to Butler’s question, a Peruvian can only be that which is acceptable within the relational framework of gender, race and class – i.e. she can only be that which is possible given her personal background and the background of her interpreters at any particular moment, in any particular context. I will return to this in the context of the state of exception.

Racialized sexuality has been reproduced on a daily basis via Peru’s formal institutions and indeed through formal legislation. Colonial regulations on marriage and kinship helped delineate the boundaries of being in gendered, sexual, and racial terms (Socolow 2000). During the republican era, especially during the last quarter of the twentieth century, legislation that discriminated on the basis of race and gender was gradually abolished. However, as Butler clearly indicates, while rules and regulations about the boundaries of being may be set in law, they do not have to be. She emphasizes norms as the main framework for delineating life, as norms are owned, reproduced and maintained by society on a daily basis. The norm is the standard of normalization, the norm makes us believe in a natural order between human beings, and hence, natural boundaries of sex, gender, race and even class and ethnicity. While laws can be changed –under the influence of activism and changing political paradigms- changing the norms that guide daily life proves harder. Thus, while in Peru it is now legally a crime to beat or rape a wife, in practice, such activities are still largely accepted as the norm. The continuing bad treatment of domestic workers despite improved legislation and labor protection is another example. Yearly returning debates about whether public beaches frequented by the better off are accessible to female domestic personnel, let alone the general public (read: ‘cholos’ and ‘cholas’), point at the persistence of racism and sexism in a class society.⁷ The case shows how social norms provide a ‘truth’ about

⁶ The TRC document 538 cases of rape, and concluded that this was only the tip the iceberg of systematic use of rape by the armed forces. The profile of the majority of female victims reflects the overall victim profile: indigenous and young. For further analysis of the productivity of rape in war and peace, as well as post-conflict justice processes, see Boesten (2014).

⁷ In 2006 it became clear that holidaying upper middle classes in a luxurious beach resort south of Lima called Asia had introduced by-laws which established that servants had to dress in uniforms and that they

people's behavior that is largely based on assumptions about race and sexuality ending in the physical restriction of one particular social group.

In light of the prevalence of postcolonial patriarchal gender relations grounded in a closely policed form of racialised heteronormativity, subverting the gender norms in Peru is not easy, if not impossible. People who live their gender and or sexuality outside of the binary of male/female encounter multiple problems that often result in violence. A study by Giuseppe Campuzano shows that while homosexuality, cross-dressing and sex work are not illegal in Peru, travesty sex workers are regularly harassed by police. Campuzano claimed that 'on the basis of an article that proscribes 10-30 days of community service for those who 'make immoral or indecent proposals to a third party in public spaces', travesty sex workers are often illegally harassed and injured' (2008a: 101). Campuzano's research shows that living outside the boundaries of existing gender norms is almost impossible for Peruvians, and those who do enact their gender and sexuality according to their own preferences are closely policed and often harassed. A small group of exceptions to the norm perform a highly visible homosexuality that arguably reproduces the idea of heteronormativity in the public eye –or they may contribute to the denaturalization of heteronormativity. Whichever it is, the fact that these highly visible performances of subversion are part of a small and privileged group of public actors does not necessarily weaken heteronormativity for the majority of non-privileged Peruvians. A majority of gay, lesbian, bisexual, transgender, travesty, and intersex are invisible, because their existence is made impossible by the social boundaries imposed upon gender and sexuality.⁸

This restriction to what one can be and desire to be, and how and whom one can love, is what Butler calls normative violence, or the violence of the norm. Butler clearly views the restriction itself as violent, i.e., it is violent to force people into a restricted body that obeys a normative framework "shaped by political forces with strategic interests in keeping that body bounded and constituted by the markers of sex" (1999 [1990] p164). But Butler also argues that normative violence sets the conditions for actual violence, for "ordinary", invisible, everyday violence perpetrated upon those bodies that are perceived as breaking the norms. In Butler's argument, violence against women is a result of normative violence embedded in the imposition of gender and is thus more than a product of men's subordination of women. With Katherine Franke, Butler (2004a 54-55) argues that basing sexual harassment codes on a view in which violence against women is solely a product of male sexual domination over women reproduces the gender binary, which the violence supposedly tries to impose. In such a view, 'the sexual harassment codes become themselves the instrument by which gender is thus reproduced' (p54). Butler does not suggest, of course, that we should not combat male violence against women, but that we should combat violence, normative and physical, against all those that are perceived as not conforming to the norm. As Franke suggests, the "men dominate women" paradigm, as advocated by Catherine MacKinnon and

could not swim or otherwise use the beach leisurely during the hours that their employers were using it (Victor Vich 2006). Such rules are especially directed at women working in these households, often referred to as *cholas*, as they are the ones most likely to be on the beaches tending children of their patrons. These extraordinary rules have, of course, strong sexual and racial connotations as they emphasise the potential contaminating nature of female servants' bodies. Every summer there are debates around these issues; be it because of dress codes for domestic servants, the facilities that they may or may not use, or the factual closing off of public beaches to keep unwanted guests out.

⁸ Research around same-sex relationships among people in low-income countries, and low-income neighborhoods, is only starting to emerge. For Peru, see: Williams (2010).

many others, is a simplification of an ideology “that creates gendered bodies –feminine women and masculine men” (cited in Butler 2004a: 55).

This resonates with emerging critiques of the use of “gender” in policy, as well as in criminal justice. Often, gender is simply translated to ‘women’, and women to “vulnerable” and with special needs. This does not undermine the gender binary, but rather, reinforces it, undercutting the objective of gender equality. The emphasis on rural indigenous women’s victimhood in the conflict between Shining Path and the armed forces is highly sexualized and racialized: women are either portrayed and approached as victims of sexual violence, or as the mothers of the killed and disappeared. While these victimizations were real and significant, they overlook women’s agency: their role in both perpetrating and resisting the violence, as well as the multiple other harms suffered, particularly, economic and health-related harms. Men associated with the army, in turn, become either protectors of the vulnerable, or the “macho-rapist”, while indigenous/rural men seem to have been erased from the equation. In this way, post conflict justice processes tend to reinforce gender binaries and re-entrench inequality. The fact that no real criminal or transitional justice is achieved for victim-survivors of the violence, in particular, for victim-survivors of rape and sexual abuse, furthers the image of the helpless and ultimately irrelevant indigenous person (Boesten 2014).

Physical and sexual harassment of people who do not fit the gender binary is not considered in conventional sexual harassment codes, and is certainly not recognized in Peruvian legislation and policy against intimate violence. The racial dimension embedded in gender norms in Peru, and the resulting differentiated marginalization of women, cannot be combated by sticking to a ‘men dominate women’ logic either. While a reconceptualization of sexual harassment codes that reach beyond the logic of male dominance will perhaps not generate much enthusiasm from practitioners who deal with cases of violence against women on a day-to-day basis, the introduction into public debate and policy formulation of a more complex understanding of sexual violence and intimate partner violence –by including issues of race, class, and sexuality, and arguably age- would be an important start.

At first glance, violence against women *is* the result of male oppression. In a study I carried out on intimate partner, or “domestic”, violence in Lima and Ayacucho (2006), most women explained the conflicts in their homes as revolving around their freedom of movement and decision-making.⁹ Transgression from norms that implied women’s subordinate position in all things big and small (e.g., from freedom of movement to having a particular meal ready at a particular time) could provoke a violent response from male partners. Women who did not conform to the explicit or implicit rules of engagement –the norms that set both male and female roles at household level- were punished for their transgression. In Butler’s terms, the violence of the norm –the restrictions put on women’s emotional, sexual and physical freedom- turned into physical violence as soon as women broke the norm. Of course, intimate partner violence does not only occur as a result of women’s transgressions. For example,

⁹ This resonates with other research into intimate partner violence in Peru, such as: Guézmés, Palomino and Ramos (2002), and Ramos (2005). The term “domestic” violence is contested as it tends to deny the gender political and structural aspect of such violence and includes other forms of family-based violence (e.g. against children), but the term is widely used in the literature, the media, and policy to refer to what is more accurately termed intimate partner violence.

interviewed women said some husbands beat them when they, the men, were having affairs, or after excessive use of alcohol.

The ubiquity of violence against women, the lack of public outcry and corresponding interventions, suggest that physical violence against women in intimate relations is itself normalized. Perhaps the real problem is not the violence of the norm but the normalization of violence. Most women also found it hard to break out of violent relationships as they were themselves inserted into the same normative framework in which violence is seen as normal. Recognizing that such norms are not set by a conspiratory meeting of men –as MacKinnon would like us to believe- but by the workings of power and knowledge that reinforce a division of gender that is simultaneously grounded in race, sexuality, and other divisions such as class, age, and ethnicity, may help explain why it is so difficult to instigate change. Butler is not suggesting that women are complicit with violence perpetrated upon them or that they have no agency at all. As Butler explains in *The Psychic Life of Power* (1997), subjection works through the internalization of norms, i.e., through repetition. This means that resistance is possible, albeit from within the constraining normative framework.

By going beyond analyses that solely recognize male power over women in understandings of intimate violence, we open the possibility of examining the differing and relational meaning of gender in light of race and class. In a study of battered migrant women in Lima, Cristina Alcalde (2010) shows that inequalities based on race and class are often reproduced within intimate relations, and through the use of violence. ‘Men’s perceptions of their intimate partners as racially and culturally inferior’, perceptions closely drawing on popular understandings of a hierarchical division between geographical regions and women’s place of origin, Alcalde writes (2010, p76), ‘and the extent of the embodiment [of those perceptions around race and origin] affected women’s vulnerability to violence’. Women’s lack of education, economically precarious situation, and migrant status significantly added to this vulnerability, as Alcalde’s interviewees felt they were unable to leave violent relationships, and men were aware of this economic power over their spouses. This means that even in the physical violence between spouses, perceptions of gender are embedded in understandings of race and class, undermining the idea that violence against women is “solely” based on the oppression of women.

The process of breaking out of violent cycles of subordination is perhaps even more constitutive of how normalized boundaries of being are grounded in gender, race and class. Those women who, for various reasons which I discuss elsewhere (Boesten 2006), found the courage to take public action against the violence perpetrated upon them, encountered multiple obstacles along the way. While a law against what is called “family violence” was introduced in 1993, and special police stations for battered women exist since the late 1980s, the conviction rate of perpetrators of intimate partner violence is low to zero. A lack of shelters for women, few economic opportunities and high caring burdens, and no other means to find protection against violent men, means that there are very few alternatives for battered women other than to endure the violence. The reason why conviction rates are low to nil and protection is unavailable is because both norms and institutional structures are more difficult to change than legislation. Many of the representatives of the state, the police officers, doctors, and judges who decide over a woman’s denunciation of violence, believe that women are

culpable of their misery, and should be expected to endure a certain amount of violence from men (Boesten 2006, 2014). Just as Alcalde's research shows how intersecting inequalities are reproduced in intimate relationships, so they are reproduced in the institutions designed and set up to combat violence against women. Women of indigenous decent have a harder time seeking justice in Peru's institutions than criollo women, and their abuse often continues in the state facilities in which they seek refuge (Boesten 2006, 2010c).

Hence, violence is not only normal but also expected and this expectation is, once again, equally grounded in race and class as in gender. The perception that racial and class hierarchies are natural and therefore just, plus the forceful policing of a heteronormative gender binary, makes the boundaries of being relatively clear-cut, despite the apparent fuzziness of intersecting and relational inequalities. Peruvians know what they can be and do in a given context. They also know, and to a certain extent, expect, normative and physical violence when boundaries are crossed. This perception and general knowledge of gender, race and class normalizes violence in many instances and curtails resistance (but does not erase it or make resistance impossible). Of course, normalized violence (e.g. 'light' battering, gay bashing, sexual abuse of sex workers, spouses, domestic workers, young girls and of those perceived as provoking it) is in general not perceived as violence; it is inexistent, invisible. While the formal criminalization of such violence is a positive step forward in bringing it to light, the majority of cases remain invisible. Research shows that those most likely to be punished for the transgression of gender boundaries, i.e., young people, women, lesbians, gay men, bisexual, transgender, travesty, and intersex, are less likely to be heard in Peru's institutions, and are also less likely to be "seen" in Butlerian terms.¹⁰

Eternal exception and the absence of grief

While successive Peruvian governments have come to the conclusion that violence against women is an issue that needs addressing, and have acted accordingly in law and policy, in practice there is an informal system of exception in place. Considering the low conviction rate and the high rate of deaths among battered women (see below), the exception to the rule of law in cases of violence applies to virtually everyone involved in cases of intimate violence. Whereas intimate violence is an issue that supersedes class and race, and should equally be highlighted in other countries than Peru (see the high levels of domestic violence and low conviction rates for rape in the UK and the rest of Western Europe¹¹), the contemporary history of political violence means that the Peruvian case adds an extra layer of interpretation that cannot be ignored. The discussion of political violence and ungrievability in Peru below shows that, while the internal conflict of the 1980s and 90s represented exceptional circumstances and extreme violence, the characteristics of vulnerability to violence, or the victim profile, resonates in peacetime, suggesting the existence of more than a temporary 'state of emergency', but rather, an eternal exception.

¹⁰ On young people, gender and violence, see the extensive work of Carlos Caceres and his research team, eg., Caceres (2005), on LGTBI, see Bracamonte ed. (2001), on travesti see Campuzano (2009), on women, see Boesten (2006, 2009).

¹¹ In the UK, a 2007 report of the HMIC (Her Majesty Inspectorate of Constabulary), calculated that 1 of 20 reported rapes ended in conviction, which points at increasing impunity, rather than decreasing. Research by Liz Kelly further confirms that conviction rates are low in other Western European countries as well, caused by the same persistent antiquated ideas about gender, sex and violence (Kelly 2008).

In *Precarious Life* (2004) Butler describes the war against terror as an unending war with an infinite enemy; the infinite enemy in this war is the Muslim who exists either within or outside of sovereign borders. In Peru, the political violence that started in 1980, and ended in the mid-1990s, played out along lines of existing inequalities of race, class and gender. The Peruvian state did not need to invent an enemy as he was easily identified as “the Indian”; an amorphous notion of indigenous rural and peri-urban people long identified as the enemy of a “civilized” and prosperous Peru. Despite the fact that the actual enemy, Shining Path, was led by educated mestizos, the war was largely fought through the bodies of indigenous, Quechua-speaking men and women.¹² As Kimberly Theidon (2000) and Jean Franco (2006), amongst others, have pointed out, deeply ingrained racism naturalized the Indian as the enemy. The Indian was portrayed as *naturally* violent (and unredeemable), hence, he came to represent an enemy with infinite end.

Despite multiple attempts to further inclusion of the Indian population in the Peruvian polity since the late nineteenth century, institutionalized racism, a history of marginalization, and lack of integration facilitated and fed into the destructive Shining Path insurgency, and the response to it. Initially reluctant to take the assault of Shining Path seriously, the state declared a state of emergency in 1982. As the ‘natural’ threat coming from the Indian population had never really subsided despite inclusionary state projects during the 1970s, it was relatively easy to place much of the Peruvian Andes under emergency rule without protest from the powerful classes in Lima. In practice, this meant that large areas were placed under military rule without a political-military strategy being implemented, as Carlos Ivan Degregori has pointed out (1999). This lack of strategy placed the population in the areas of emergency under general suspicion. In Butler’s terminology, we might say that the Andean population of Ayacucho, Huancavelica, and Apurimac entered a zone of suspension, of exception to a state of law.

In 1980s South Central Andes, sovereignty was vested in a democratically elected but elitist (i.e. exclusionary) government in Lima, but the actual power of governance, the power to decide over life and death in the area, was in the hands of the military. Military personnel acted according to their own prejudices, grounded in a complex dynamic of relational understandings of race, class and gender, to guide them in deciding who was to be detained indefinitely –or who was to be killed. As Butler asserts in the essay ‘Indefinite Detention’, “[T]he ‘deeming’ of someone as dangerous is sufficient to make that person dangerous and to justify his indefinite detention. [The] decision, the power they [government officials] wield to ‘deem’ someone dangerous and constitute them effectively as such, is a sovereign power, a ghostly and forceful resurgence of sovereignty in the midst of governmentality” (58-9). Thus, a discriminate form of sovereignty imposes a state of exception on individuals belonging to a group historically perceived as surplus to the Peruvian nation; a population in need of biopolitical governance, that, if not transformed into a desirable (read: non-Indian) population (Drinot, this volume), can be killed indiscriminately. In theoretical terms, we may want to ask if the Peruvian Indian is restricted to what Agamben calls bare life. To what extent did the state of emergency make the Indian redundant to the Peruvian nation or did the war only facilitate a further stripping of rights in an already precarious

¹² With 80% of victims being of poor, rural and Quechua speaking background, see TRC Informe Final (2003).

situation? Is the Peruvian Indian perhaps always an exception, always to be violated and killed?

Whereas such a line of argument theoretically holds ground, politically it is less useful. The Peruvian case shows that whereas societies may indeed perceive some groups as “eternal enemies”, and in doing so, provide the social underpinning of marginalization and even abuse in peacetime as well as war, there are subtle but important stratifications in the exceptions. The dynamics of intersecting inequalities means that life is intelligible in some contexts and not in others, that abuse is normalized in one relational context, but not the other. Hierarchies of “rape-ability” in a context of war show some of the subtleties of marginalization. As I have discussed in detail elsewhere (Boesten 2014) soldiers had a license to rape women during the war, either as war strategy or as part of the male “right” to the consumption of sex. Testimonies gathered by the Truth and Reconciliation Commission referring to sexual violence, given by both soldiers and female survivors, show that race, ethnicity and class shaped decisively the perpetration of sexual violence. Rape was productive in establishing or affirming racial and class hierarchies between soldiers (who may rape whom and using what privileges), it affirmed a racial hierarchy that established “rape-ability” of women based on class and race, and it provided an opportunity to act out aggressive and sexualized masculinities (Boesten 2014). Such a hierarchy of rape suggests that there is a hierarchy within the exception, or perhaps what Primo Levi has called a gray zone of death and survival (Levi [1986] 1989, see also Agamben [1999] 2002, pp. 87-135). Analytically (and, as Levi and others have extensively discussed, at a personal level) this is a very uncomfortable notion as it blurs understandings of guilt and innocence. But understanding such stratifications politically is very important, as it is a window into the workings of violence and marginalization.

In ‘Analyzing Rape Regimes’ (2010a), I argue that despite the Truth and Reconciliation Commission’s efforts, only a few survivors of rape in the Peruvian conflict clearly fall into accepted notions of innocence, and can thus be recognized as victims of violence. A majority of cases seem to hover on the social and legal boundaries of coercion and consent to sex, independently of how women may feel about their experience. For example, a woman who was raped by a soldier, but later had consented sex with the same soldier because of a promise of marriage –still a way to escape punishment for the rapist in Peruvian legislation until 1997- would have great difficulty to make a case of sexual violence. Women who were forced into prostitution under the generalized threat of violence would have equal difficulty claiming victimhood.¹³ Looking more closely at the workings of race, class and gender in such cases shows clearly how differentiated marginality is reproduced through sexual violence. In the testimonies of soldiers this differentiated marginality is expressed in a language of common sense, of obviousness. For example, one soldier speaks about the women who were available to be raped to the troops, and those women who would first be offered to the captain. The hierarchy between women is described by reference to height, color of eyes, education, and place

¹³ These forms of sexual violence were certainly recognised as such by the research team who investigated the gendered aspects of violence for the TRC. However, interviews with women conducted by TRC investigators show the difficulty of claiming individual victimhood according to the legal standards of rape used by the TRC. See Boesten (2007) and (2010a).

of origin. The hierarchy between soldiers, on the contrary, is referred to by rank.¹⁴ The violence to which many women were subjected is invisibilized through the normalizing effect of perceptions of race, class and gender. Soldiers often gang raped and killed women perceived as worthless –young women without identity papers, of dark complexion, short of stature and from rural communities (TRC 2003, Henriquez 2006, Boesten 2014).

As discussed above, Butler suggests that stratifications of who is seen as human, who is perceived as “real”, can also be examined by looking at public expressions of grief. The Peruvian case provides several powerful examples underpinning her point: first, whereas the Peruvian Truth and Reconciliation Commission in 2003 came to the conclusion that 69,280 people had been killed during the period 1980-2000, initial estimates stood at half that number. As the president of the TRC stated at the presentation of the final report, and also cited by Drinot in the introduction to this book, this means that “integrated” society (his words) had willfully dismissed the existence of some 35,000 citizens.¹⁵ While the TRC made a point of highlighting this incongruity in numbers in order to make a broader point about the systemic neglect of large parts of the population, certain sectors of “integrated society” still refuse to acknowledge the death of these 35,000 people.¹⁶ Even in death half of those who died in the conflict, which disproportionately affected the indigenous population, do not deserve to be grieved, because, according to some, they never existed.

Second, returning to the issue of violence against women in Peru, and its manifestations during war as well as in peacetime, this issue opens a similarly shocking window into the “undoing” of life through the willful denial of grief. There are two aspects to the denial of grief in cases of violence against women: one is that physical violence (including sexual violence) is normalized in most circumstances, which makes violence itself unintelligible. Hence, women are denied personal grief over experiences of violence, as these experiences are not recognized as such: the denial of injury makes it ungrievable. The TRCs hesitation in addressing gender-based violence as part of its investigation is evidence of the normalization of violence against women, even in wartime. Only because of the insistent campaigning of feminist scholars close to the TRC, issues of gender, including sexual violence against women, were finally investigated. Although the TRC has hardly been able to address individual cases of violence against women, it has made an important effort to recognize the general trend of the use of sexual violence in warfare. Secondly, as violence against women in practice is not really acknowledged to be a social and political problem, death resulting from such violence is often ungrievable. Just as suicide is ungrievable in cultural spaces where it is seen as a politically shameful act, so is femicide ungrievable if it is not recognized to exist. The Peruvian organization DEMUS (Estudio para la Defensa de los Derechos de la Mujer) keeps records of women killed by intimate male violence, and comes to an average of nine killings a month. The number, however, is the result of

¹⁴ The idea that the army ‘whitens’ men is important here as many soldiers will have been of indigenous origin (Gonzalez 2000). Nevertheless, their racial or class background is not used to reinforce hierarchy between soldiers, but the racial and class differences between raped women is.

¹⁵ “En efecto, los peruanos solíamos decir, en nuestra peores previsiones, que la violencia había dejado 35 mil vidas perdidas. ¿Qué cabe decir de nuestra comunidad política, ahora que sabemos que faltaban 35 mil más de nuestros hermanos sin que nadie los echara de menos?” (Lerner 28-08-03).
http://www.cverdad.org.pe/informacion/discursos/en_ceremonias05.php

¹⁶ For example, Aldo Mariategui, director of the national newspaper *Correo*, refuses to support the statistical findings of the TRC.

counting reported cases in printed media, i.e., newspapers. It is very likely that the actual numbers are far higher, considering that Peru is among the countries with high levels of domestic violence (WHO 2005). While it is difficult to compare statistics of domestic violence, it does seem probable that a country with a high level of domestic violence, as reported in surveys, will also have a higher level of femicide, especially knowing that in Peru life is precarious for many, and in particular for women. It is likely that nine casualties per month is only the tip of a large iceberg. While the few reports of women killed by intimate partners or ex partners are recognition of the violent ending of that life, the lack of political and social outcry over the phenomenon of femicide suggests these lives are not grieved. The lack of public grief for the injury and death of women and men who suffer and die at the hands of more powerful compatriots tells us something about the politics of inclusion and exclusion in Peru. Peruvians are trapped in a hierarchy grounded in race, class and gender that normalizes violence, naturalizes exclusion, and denies grief.

Conclusion: Liveable lives and the politics of transformation

Judith Butler has been accused of provincialism and of not being political enough to be a feminist, but instead, in the words of Martha Nussbaum, of having resorted to a “type of verbal and symbolic politics that makes only the flimsiest of connections with the real situation of real women” (2000). Although it is disputable that Butler was not referring to the ‘real lives of real women’ in the work she published during the 1990s, she certainly proved Nussbaum wrong in her later work. As Moya Lloyd observes, Butler’s work is more about politics than ethics in that she takes power as a starting point for critical analysis (Lloyd 2008). Chambers and Carver even see political theory as central to Butler’s work, and not only in troubling notions of gender. Butler’s theoretical work and her conceptual journey ties together in her politics, perhaps most clearly discussed in *Frames of War* (2009). Her politics seek to minimize the precariousness of life, the always lingering possibility of the subjection to suspension, or undoing, of life. For Butler, all life is subject to this precariousness, we are all vulnerable to become targets of a politics of exception, or of repressive normative frameworks. Therefore, her politics are not directed at Iraqis or transgenders, HIV/AIDS victims or battered wives. Rather, Butler questions the organization of power in contemporary society in order to help us unpack and analyze the ‘truths’ about the order of things. In the end, as I discuss below, this leads her to a politics of the right to life.

Whereas Butler makes clear that we are all vulnerable to the undoing of life, it is pertinent to make the point that certain groups in certain societies are particularly vulnerable. The history of exclusion in Peru is a violent history leading to the often-unrecognized deaths of many women and men of indigenous and mixed descent. Hierarchies based on gender, race, and class, determined by markers such as rural/urban, educational level, color of skin, language, occupation, and sexuality, and the differentiated marginalization these markers cause, means that a large part of the Peruvian population lives in a continuous precariousness. There is perhaps a certain infinity to the exceptional status of the Indian population and continuity in the violence perpetrated upon those groups seen as marginal to the Peruvian nation. It is this continuity of violence, erupting into physical violence with certain regularity that may be framed as normative violence. While the term structural violence is more familiar in this context, the notion of the violence of norms allows us to unpack the process of the

institutionalization of racism, sexism and class prejudice through discourse and practice that, by sheer repetition, normalizes violence.

The case of violence against women in war and peace is an example of how norms with regard to gender, sexuality, race, and class determine how much violence women are expected to endure. Even after an event of rape, norms imposed on women's sexuality determine if women can claim innocence or if they are seen as complicit to their own pain. A racialized heteronormative sexual structure draws boundaries around people's bodies and desires, and makes abuse possible. Thus, the answer to Butler's question, "What, given the contemporary order of being, can I be?" depends on who is asking, and depends on the racial, gender, and class background of both "I" and the interpreter. What one can be, in terms of desire and ambition, is so limited for many Peruvian women, that the question of what a livable life is becomes very relevant.

So Butler's politics are about the right to a livable life. She takes time to explain that she does not mean to question what physical life is and she does not mean to discuss reproductive technologies, abortion or euthanasia, however important these issues are (2009, p 21-22). For Butler, the livability of life is not a medical or even biological issue, but a social and political one, and that means that life needs to be protected against ever looming precariousness. According to Butler, the recognition of the shared problem of precarity, even if it is clear that not all are equally exposed, could be the new politics of the Left (2009, p28). To make precarity politically relevant, Butler asserts, "policy needs to understand precariousness as a shared condition, and precarity as the politically induced condition that would deny equal exposure through the radically unequal distribution of wealth and the differential ways of exposing certain populations racially and nationally conceptualized, to greater violence" (2009, p28). Butler seeks not to do away with norms, as some may understand her work to suggest, but she seeks a "normative commitment to equality", and "positive obligations to provide those basic supports that seek to minimize precariousness in egalitarian ways: food, shelter, work, medical care, education, rights of mobility and expression, protection against injury and oppression" (2009, pp. 28-29). Considering the differentiated marginalization of Peruvians and the normative and physical violence that underpins and reproduces such marginalization in daily life, a *normative* commitment to equality –instead of a rhetorical commitment- would be revolutionary for a majority of Peruvians.

In her essay 'The Question of Social Transformation' (2004a), Butler emphasizes that norms not only constrain, but also enable living; hence, we need not to replace one set of norms with another, potentially creating a new set of exclusions, but enabling us to establish a normative framework that is inclusionary and nonviolent. That means, in Butler's view, that we need norms without normalizations, as normalization would not allow for openness and flexibility. According to Butler, critique of gender norms should be grounded "within the context of lives as they are lived and [...] guided by the question of what maximizes the possibilities for a livable life, what minimizes the possibility of unbearable life, or indeed, social or literal death" (2004a p8). Reaching beyond gender into a contemporary politics of othering, Butler allows her critique of gender and sex to form a useful basis for analyzing any set of norms that cause violence anywhere. *How* to transform Peruvian society in such a way that a normative commitment to equality and nonviolence would become reality is still another question. However, a continuous critical analysis of the norms, grounded in notions of gender,

race, and class that constrain and differentiate would be a good starting point for the transformation of Peru towards a more equal, just and nonviolent society.

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